APPENDIX

To the CASE of

Sir ROBERT GORDON, *Baronet,*

(Claiming the Title and Dignity of)

EARL *of* SUTHERLAND.

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APPENDIX I.

I.

IN Parliamento excellentiſſimi Principis, ac Domini noſtri metuendiſſimi Domini Jacobi quarti, Dei Gratia Regis Scotorum illuſtriſſimi, tento apud Edinburgh, in prætorio ejuſdem, die veneris, decimo ſeptimo die menſis Octobris Anno Domini milleſimo quadringenteſimo octuageſimo octavo Coram præfato ſupremo Domino noſtro Rege, ibid perſonaliter ſeden. B. 4. f. 93.

Quo die idem ſupremus Dominus noſter Rex in eodem Parliamenti præſentibus ſuis tribus ſtatubus, et cum eorund conſenſu, favore, et conſilio, ſua regia Majeſtas Recognoſcens, divino numine, ſe regni faſtigia, et præeminentias hæreditatis Jure ſuſcepiſſe idque ſui officii eſſe noſcatur, viros nobiles qui ſuo honori et reipublicæ dignitate, plurimum affuerunt præmiis tollere, et ad altiores dignitates elevare, quo alij ſui ſubditi unius virtutem imitantes, ſe ad ſimilia præparent, et remunerationis officio diſponant ſua, ea propter ſacra Majeſtas regia volens, virtutem viros regalis munificentiæ & liberalitatis nobilitatis proprietates niteſcere Dominium de Bothvile fecit, et erexit in unum liberum Comitatum pro perpetuo futuris temporibus, Comitatum de Bothvile nuncupand et dicto Comitatui Dominium de Creightown cum tenentibus Tenendriis, et libere tenentium Servitiis de Bothvile, et Creightown predict, una cum advocationibus, et præſentationibus præpoſiturarum præbendarum, et Cappellaniarum de Bothvile et Creightown, una cum piſcationibus aque de Clyde et quadraginta mercatis terrarum ferreſtæ de Bothvile cum omnibus aliis ſuis pertinen dependen. Juribus, et Annexis, univit et incorporavit, et eund Comitatum de Bothvile cum dependen, annexis et pertinen antedictis, ſuo dilecto familiari Conſanguineo et Conſuli, Patricio Domino Halis, pro ſuo fideli legalitate, obſequio et obedientia præſtitis, et in Compenſatione laboris et expenſarum, dampnii vitæ, et Hereditatis periculi ob regium honorem Sumptorum pro regia Serenitate, et reformatione juſticiæ, privorum Concilio oppreſſe conceſſit, et donavit in ſuo parliamento prædicto eundemq Patricium Dominum Halis in Comitem Creavit et Comitis Titulo decoravit, per præcinctionem Gladii, ut moris eſt ita quod ipſe et ſui hæredes pro perpetuo futuris temporibus, Comites de Bothvile vocentur, Comitiſque dignitate fulgeant.

That what is wrote upon this and the preceeding page is copied from the Records of Parliament in his Majeſty's General Regiſter Houſe at Edinburgh is atteſted by me Keeper of theſe Records, the ſame being examined collated or compared at the ſight and by the aſſiſtance of Thomas Longland's Notary Publick.

(Signed) ALEXANDER ROBERTSON.

THOMAS LONGLANDS, Not. Pub.

II.

B. 44. N°. 136. JACOBUS, Dei gratia, Rex Scotorum, omnibus probis Hominibus totius terræ ſuæ, Clericis, et Laicis, Salutem; Cum delectus noſter Conſanguineus, Robertus Dominus Seytown, ex Clariſſima et illuſtriſſima ſtirpe, vetuſtaque de Seytown familia, deſcenderit, quæ, multis abhinc ſeculis, per noſtros felicis memoriæ prædeceſſores, optimo dominorum merito dignitatem, et honorem liberi baronis, et Domini parliamenti regni noſtri Scotiæ conſequuta eſt; cumque majores, dicti conſanguinei noſtri, in omni officio, et fidelitate verſus nos, et prædeceſſores noſtros, firmiter permanſerint; idemque conſanguineus noſter, anteceſſorum ſuorum merita, non ſolum adæquaverit, ſed etiam eximiis ſuis virtutibus, ita de nobis meritus ſit, ut regalis noſtri ſtatus, ac muneris dignitas, et munificentia poſtulent, ne patiamur eum, et ſucceſſores ſuos, meritis honoribus, et claritudine deſtitui, ſed potius ut egregie factis honor etiam et claritas accedat; Noveritis igitur, nos de conſilio procerum, et digni regni noſtri primatum exigentibus præmiſſis, creaſſe, ordinaſſe, conſtituiſſe, et erexiſſe tenoreque præſentium, creare, ordinare, conſtituere, et erigere antedictum conſanguineum noſtrum, Robertum Dominum Seytown, et heredes ſuos maſculos Comites de Wentown; eidemque Roberto, ac heredibus ſuis prædictis, nomen, ſtatum, gradum, titulum, honorem, et dignitatem Comitis de Wentown, in omnibus et ſingulis præminentiis, dignitatibus, honoribus, et ceteris quibuſcunque ejuſmodi, ſtatui Comitis de Wentown pertinere, ſeu ſpectare valentibus, damus et concedimus; ipſumque dictum Robertum, et hæredes ſuos prædictos, hujus-modi ſtatu, gradu, titulo, honore, et dignitate Comitis de Wentown, per cincturam gladii, ac unius cappæ honoris et dignitatis, et circuli aurei circa caput poſitionem, inſignivimus, inveſtivimus, et realiter nobilitavimus. Tenend et Habend nomen, ſtatum, titulum, gradum, honorem et dignitatem Comitis de Wentown prædicti, cum ombibus et ſingulis præeminentiis, honoribus, et ejus-modi ceteris quibus cunque, ſtatui Comitis de Wentown pertinentibus, ſeu ſpectantibus, præfato Roberto, Comiti de Wentown, et heredibus ſuis prædictis, in omnibus et ſingulis parliamentis noſtris heredum, et ſucceſſorum noſtrorum, publiciſque conventionibus, et comitiis, infra dictum noſtrum regnum Scotiæ tenendis; necnon, ut habeant ejuſmodi voces, præeminentias, dignitates, ſtatus, honores, et loca in omnibus, quæ aliquis Comes dicti regni noſtri ante hæc tempora, melius honorificentius, et quietius habuit, ſeu uſus, et gaviſus fuit, vel in præſenti gaudet, et utitur, et quod dictus Robertus, et hæredes ſui præfati, ſucceſſive vocitentur, et nuncupentnr Comites de Wentown, perpetuo in futurum, et quilibet eorum vocitetur, et nuncupetur, ac ut Comites parliamenti, et regni noſtri antedicti, tractentur, teneantur, et reputentur; ac quilibet eorum ſucceſſive tractetur, teneatur, et reputetur; in cujus rei teſtimonium, præſentibus manu noſtra ſubſcriptis, magnum ſigillum noſtrum, appendi mandavimus; ex arce noſtra Sancruciana, die decima ſexto Novembris, Anno Domini Milleſimo Sexentiſimo; coram his teſtibus, prædilectis noſtris conſanguineis, et conſiliariis, Joanne Marchione de Hamilton, Comiti Arraniæ, Domino Evan, &c. Joanne Comite de Montroiſs, Domino Graham, &c. Cancellario noſtro, Georgio Mareſcalli Comite Domino Keyt, &c. regni noſtri Mariſcallo, dilectis noſtris, familiaribus, conſiliariis, Dominis

Dominis Jacobo Elphinſton de Barntown Milite, noſtro Secretario, Ricardo Cockburne juniore de Clerkingtoun, noſtri ſecreti ſigilli Cuſtode, Militibus; Magiſtro Joanne Skeene, noſtrorum Rotulorum Regiſtri, ac conſilii Clerico Domino Joanne Cockburne de Ormeſtoun Milite, noſtre Juſticiariæ Clerico, Magiſtroque, Willielmo Scott de Ellie, noſtræ Cancellariæ Directore. (Sic Subr.) Jacobus R.

That what is wrote on this, and the three preceeding pages is a juſt Copy of the Creation on record in his Majeſty's General Regiſter Houſe at Edinburgh, is atteſted by me Keeper of theſe Records, the ſame being examined, collated, or compared in the ſight, and by the aſſiſtance of Robert Jamieſon, Notary Publick.

Signed ALEXANDER ROBERTSON,

ROBERT JAMIESON, Not. Pub.

APPENDIX II.

I.

ACT *of* PARLIAMENT. 1587.

114. *The Commiſſioners of ſmall Barronnes and Freehalder's, has vote in Parliament.*

OUR ſoveraigne Lorde, conſidering the Act of his hieneſſe Parliament, halden at Linlithgow, the tenth day of December, the zeir of God, ane thouſand, five hundreth, fourſcore five zieres; Makand mention how neceſſar it is to his Hieneſſe and his Eſtates, to bee trewly informed of the needes and cauſes pertaining to his loving ſubjectes in all eſtaites, ſpecially the Commounes of the Realme. And remembring of ane gude and loveable Act, made by his hieneſſe Progenitour, King James the firſt, of worthy memory, in the Parliament, halden at Perth, the firſt day of March, the zeir of God ane thouſand, four hundreth, twenty ſeven zeirs; annent the Commiſſioners of ſmall Barronnes in Parliament, That his Majeſty and his ſaid Eſtaites would ratify and appreeve the ſame, to have full effect, and to be putt to execution, in time cumming, and of new ſtatute and ordaine for the mair full explanation of the ſame Act and certain execution thereof, that precepts ſuld be directed foorth of the Chancellary, to ane Baron of Ilk ſchire firſt, to conveene the freehalders within the ſame ſchire, for chuſing of the Commiſſioners, as is contained in the ſame Act. Quhilkis Commiſſioners being anis choſen and ſend to parliament, the precepts of parliament for conveening of freehalders, to the effect foreſaid, to be directed to the laſt Commiſſioners of Ilk ſchire, Quhilkis ſall cauſe cheiſe twa wiſe men, being the Kings freehalders, reſident indwellers, of the ſchire, of gude rent, and weil eſteemed, as Commiſſioners of the ſame ſchire, to have power, and to be authoriſed, as the Act proports, under the Commiſſioners ſeal, in

in place of the ſchireffes; and that all freehalders of the King, under the degree of Prelates and Lords of parliament, be warned be proclamation, to be preſent at the chuſing the ſaids Commiſſioners, and nane to have voit in their election bot ſik as hes fortie ſhilling land in free tennendry, halden of the King, and has their actual dwelling and reſidence within the ſame ſchire; Quhilk matter being remitted, be the ſaid eſtaites conveened in the ſaid parliament at Linlithcow, to the will and good conſideration of our ſaid ſoveraine Lorde, to doe and ordaine therein as his Hieneſſe ſhould think maiſt expedient and requiſite, betwixt and his next parliament. And now his Majeſty intending, God willing, to take ordour for the finall ſetting and eſtabliſhing of that gude forme and ordour maiſt meet and expedient to ſtand in perpetuity in this behalf, according to the effect of the ſaid Act of parliament, maid at Linlithcow, in conſideration of the great decay of the Eccleſiaſtical Eſtait, and others maiſt neceſſair and weighty conſiderations moving his Hieneſſe, Therefore his Majeſtie, now after his lawfull and perfite age of XXj zeirs compleit, ſittand in plane parliament declares and decernis the ſaid act, maid by King James the firſt, to take full effect and execution, and ratifies and apprieves the ſame be thir preſents; and for the better execution thereof ordainis the Commiſſioners of all the Schrieffedoms of this realme, according to the number preſcrived in the ſaid act of parliament to be elected, be the freehalders foreſaids, at the firſt head court after Michealmaſs zierly; or failzing thereof at any other time, quhen the ſaids freehalders pleaſe conveene to that effect; or that his Majeſty ſall require them thereto. Quhilks conventions his Majeſty declaris and decernis to be lauchfull: And the ſaids Commiſſioners being choſen as ſaid is for Ilk ſchireffdome, their names to be notifyed zierly in writte to the director of the Chancellary, be the Commiſſioners of the zeir preceeding, and thereafter quhen ony parliament or generall convention is to be halden, that the ſaid Commiſſioners be warned at the firſt, be vertew of precepts furth of the Chancellary, or be his Hieneſſe miſſive, letters or charges: And in all times hereafter be precepts of the Chancellary, as ſall be directed to the uther eſtaites: And that all freehalders be taxt for the expenſes of the Commiſſioners of the ſchires paſſing to parliament or generall councelles; and letters of poynding or horning to be direct for payment of the ſums taxt to that effect, upon an ſimple charge of ſix days warning, allenarly: and the ſaids Commiſſioners, authorized with ſufficient commiſſions of the ſcheriffedomes, fra quhilk they cum ſealled and ſubſcribed, with ſex, at the leaſt, of the Barronnes and freehalders thereof, ſall be equall in number with the Commiſſioners of Burrows, on the articles, and have vote in parliament and generall councelles in time cumming: And that his Majeſtys miſſives, before generall councelles, ſall be directed to the ſaids Commiſſioners, or certain of the maiſt eweſt of them, as to the Commiſſioners of Burrows in time cumming: And that the Lords of Councell and Seſſion ſall zeirly direct letters, at the inſtance of the ſaids Commiſſioners, for conveening of freehalders to chuſe the Commiſſioners for the next zeir and making of taxations, to the effect above written: And that the compeirance of the ſaids Commiſſioners of the ſchires, in parliament or generall councelles, ſall relieve the haill remanent ſmall Barronnes and freehalders of the ſchires of their ſuits and preſence aucht in the ſaids parliaments; providing alwayes that the ſmall Barronnes obſerve there promiſ-

ſes and conditions, maid to his Majeſty; upon the quhilk declaration and ordinance maid and pronounced be our ſoveraine Lord, fittand in plaine parliament, as ſaidis John Murray, of Tullibardin, aſked actes and inſtruments, and David-Earle of Crauford, Lord Lindſay, for himſelf and in name and behalf of uthers of the nobility, proteſting in the contrair.

APPENDIX III.

I.

Precept of Clare Conſtat by George Earl of Huntly to John Gordon.

GEORGIUS Comes Huntly, Dominus Gordon, &c. dilectis noſtris Alexandro Gordone Sauchin, ac eorum cuilibet, conjunctim et diviſim, Bal livis noſtris in hac parte irrevocabiliter conſtitutis, Salutem: Quia nobis per in quiſitionem fidedignorum Baronum et libere tenentium, necnon evidentiarum antiquarum, quond Adami Gordon luculenter conſtabat quod quond; Adamus Gordon, proavus Joannis Gordone, latoris preſentium, obijt ultimo veſtitus et ſaſitus ut de feodo ad pacem et fidem Supremi Domini noſtri Regis de totis et Integris Terris de Culquhody molendino de Deſſy, Drumgaſk Belivady cum Dimidio villæ de Torquhinlaquhy Formaſtoune molendino de Caſteltoun Wralveen Farrer et Drumquhyn, cum pertinen jacen in Boronia de Aboyne, infra vicecomitatum de Abirdene, que de nobis tenentur in Capite, et nunc exiſtunt in manibus noſtris, Domini ſuperioris earundem per deceſſum dicti quond; Adami: vobis Igitur et veſtrum Cuilibet, conjunctim et diviſim, precipimus et mandamus quatenus dicto Joanni, vel ſuo certo Actornato latori, preſentium ſaſinam et poſſeſſionem hereditariam omnium dictarum terrarum de Colquhody, molendino de Deſy, Drumgaſk, Belwady, cum dimidio ville de Torquhinlaquhy, Formaſtoune, molendino de Caſtletown Vratoun Farrar et Drumquhyn cum pertinen, tradatis, et Deliberatis, aut uſuis veſtrum tradat, aut deliberet, viſis preſentibus, Indilate, ſecundum tenorem evidentiarum ſuaram Antiquarum: ad Quod faciendum vobis et veſtrum cuilibet, conjuctim et diviſim, noſtram plenariam et irrevocabiliter tenore preſentium, commitimus poteſtatem et in ſignum ſaſine per vos tradit Sigillum veſtrum, in ſecunda cauda poſt noſtrum, preſentibus appendatis aut unus veſtrum appendat. Datum ſub ſigillo noſtro, Apud Aberdine, Decimo Octavo die menſis Decembris, Anno Domini Milleſimo quingenteſimo trigeſimo Octavo, coram teſtibus providis viris Willielmo Leſley, de Balquhene, Joannæ Leſley, de Wards Joanne Leſlie, de Syd, Sic Subſcribitur.

GEORGE EARL *of* HUNTLY.

II.

IN Dei nomine Amen. Per hoc preſens publicum Inſtrumentum Cunctis pateat evidenter, et ſit notum, Quod Anno Incarnationis Dominici Milleſimo Quingentiſſimo trigeſimo nono, menſis vero Maij, die quinto, Indictione duodecima, Pontificatus Sanctiſſimi in Chriſto Patris ac Domini noſtri, Dni Pauli, Divina Providentia, Pape tertii, Anno quinto: In mei notarii publici, et Teſtium Sub Scriptorum preſentia, perſonaliter conſtitutus, honorabilis vir Alexander Gordon, de Sawchin ac Ballivus nobilis et potentis Domini Georgii Comitis de Huntlie, habens et temens, in manibus ſuis, quoddam preceptum dicti Comitis, ſub ejus Sigillo Sigillat; ac Subſcriptione manuali, quod mihi, notario Subſcripto, tradidit, perlegend cujus tenor ſequitur et eſt talis. Georgius Cemes Huntly, Dominus Gordon, &c. Dilectis noſtris Alexandro Gordon, de Sauchin et eorum, Cuilibet, Conjunctim et Diviſim, Balivis noſtris, in hac parte Irrevocabiliter Conſtitut; Salutem. Quia nobis per inquiſitionem fide dignorum Baronum et libere tenentium, nec non Evidentiarum quond; Adami Gordon luculenter conſtabat, Quod Quondam Adamus Gordone proavus Johannis Gordone, latoris preſentium, obijt ultimo, veſtitus et Saſitus ut de ſeodo ad pacem et fidem Supremi Domini noſtri regis, de totis et integris terris de Tulquhody, molendino de Deſs Drumgaſk Balwyd, cum dimidio ville de Tarquhinlaquhy, Formeſtoun Caſtletown, et molendino ejuſd; Wratoun Farrar et Dalquhyn, cum pertinen: jacen; in Baronia de Aboyne, infra vicecomitatum de Aberdene, que de nobis tenentur in Capite, et nunc exiſtunt in manibus noſtris Domini Superioris, earundem per deceſſum dicti quond; Adami: vobis igitur et veſtrum Cuilihet, Conjunctim et diviſim, precipimus et mandamus, quatenus dicto Johanni vel ſuo certo Actornato, latori preſentium, ſaſinam et poſſeſſionem hereditarium omnium dictarum terrarum de Tulquhody molendino de deſs, Drumgaſk, Balwyd, cum Dimidio ville de Torquillaquhy, Formeſtoun, Caſtletoun et molendino ejuſd; Wratoun, Farrar et Dulquhyng, cum pertinentijs, tractatis, et deliberatis, aut unus veſtrum tradat aut deliberet, viſis preſentibus, indilate ſecundum tenorem evidentiarum ſuarum Antiquarum; ad quod faciendum vobis et veſtrum cuilibet, Conjunctim et Diviſim, noſtram plenariam et irrevocabiliter, tenore preſentium Commitimus poteſtatem. Et in ſignum Saſine, per vos tradit Sigillum veſtrum in Secundâ Caudâ poſt noſtrum preſentibus appendatis aut unus veſtrum appendas. Datum ſub ſigillo noſtro Apud Aberdien, decimo Octavo die menſis Decembris, Anno Domini Milleſimo quingenteſimo X. X. X.mo Octavo, Coram Teſtibus providis viris Willielmo Leſly, de Balquhain, Johanne Leſlie de Wards, Johanne Leſlie de Syd, Quibus vero perlectis ſufficient que repertis, dictus Ballivus Omnibus melior modo via et forma, jure pariter et effectu, quibus melius et efficacius Scivit, debuit, aut de jure potuit, diſcreto viro Alexandro Murray, Actornato ſupraſcript Johannes Gordon Statum poſſeſſionem et Saſinam pereditatarium omnium terrarum dictarem (de) de Culquhody molendino, de Deſs, Drumgaſk, Balwyd, cum dimidio velle de Terquhillaquhy Formeſtoun, Caſtletoun et molendino ejuſd; Wratoun Farrar et Dalquhyng cum partinen juxta modum

dum et formam in hujuſmodi, precepto ſeu Content dedit et deliberavit, ac eundem Alexandrum Actornatum in hujuſmodi, terris prenominatis per terre et lapidis traditionem ut moris eſt debite et realiter inveſtivit, ac in ſignum poſſeſſionis ſic tradit eundem Alexandrum, in Domibus incluſit et unum bovem de Communi Campo ville de Formeſtoun elegit appretiat ad quin quaginta ſolidos, monete Scotie, ſuper Omnibus quibus et ſingulis ſupraſcript Alexander Gordone, a me notario publico ſubſcripto, ſibi fieri petijt Inſtrumentum, ſeu Inſtrumenta, publicum ſeu publica, unum ac plura. Acta erant hoc Apud loca dictarum terrarum nominat, horas Octavas, nonas, decimas, undecimas, duodecimas, ante meridiem; et horas primam 2m; 3m; Quartam, et Quintam, poſt Meridiem, ſub die, menſe, anno, Indictione, et pentificatu quibus ſupra, preſentibus ibidem Johanne Chapman, Johanne Gleneſk, Johanne Wauch Thoma Wauch, Willielmo Hugh, Domino Roberto Schewis, Rectore de Cuſſing, Johanne Roſs, Willielmo Piper, Alexandro Davidſone, Jacobo Ezed, et Jacobo Richy, Teſtiteus, ad premiſa vocatis, pariter et Rogatus.

Et Ego Dominus Jaſperus Hay Preſbyter St. Andreæ, dioceſis publicus, Sacrâ Auctoritate Apoſtolicâ notarius quia premiſſis Omnibus et ſingulis, dum ſic ut premittitur, agerenter dice renter et ſurent, una cum pronominatis teſtibus preſens, perſonaliter interfui, eaque omnia et ſingula ſic fieri Scivi vidi, et Audivi, ac in notam Cepi Ideoque hoc preſens publicum Inſtrumentum, manu mea fideliter ſcriptum, exinde Confeci, et in hanc publicam formam, Inſtrumenti redigi, ſignoque, nomine et ſubſcriptione, meis ſolitis, et Conſuetis, Signavi, rogatus et requiſitus. In fidem et teſtimonium omnium et ſingulorum et premiſſorum veritatis.

What is contained on this and the four preceeding pages, marked with the initials is a juſt copy of the precept of Clare Conſtat, by George Earl of Huntly to John Gordon, and faſine of John Gordon; taken by me from the principal charter, and compared therewith.

Signed

JAMES ALISON.

APPENDIX IV.

I.

TO all and ſundry whom theſe preſents do or may concern, John Campbell-Hooke, of Bangeſton, Eſquire; Lyon, King of Arms, doth hereby certify and declare, that there are two entries of the Arms of the deceaſed John Earl of Sutherland, Lord Strathnaver, recorded in the Publick Regiſter of Arms for Scotland, in the Lyon-office at Edinburgh; of the firſt of which entries the Tenor follows: The Right Honourable John Earl of Sutherland, Lord Strathnaver, bears, quarterly quartered, as follows: Firſt, Gules, three Stars Or, as the paternal Coat of the Name of Sutherland. Second and Third, the Arms of Huntlie quartered, viz. Firſt, Azure, three Boar's Heads coup'd Or, be the Name of Gordon: Second, Or, three Lyon's Heads erazed Gules, be the Name of Badzenoch: Third, Azure, three Creſcents within a double Treſſure; counterflowered Gules be the Name of Seton: Fourth, Azure, three Fraſes Argent be the Name of Fraſer—the laſt—as the firſt—above the ſhield his crown—Over the ſame an Helmet befitting his quality—A mantle Gules, doubled Ermine—Next on an Torſe for his Creſt—a Cat-a-mountain—Saliant argent—armed Gules, ſupported by two Savages, wreathed about the Head and Middle with Laurel, holding in their Hands a Batton, all proper ſtanding upon an Compartment placed underneath, the Motto in an Eſcroll above, *Without Fear*. Extracted upon this and the preceding page, at Edinburgh, the 29th of December, 1769 Years, by

Signed

THOMAS BRODIE, Lyon Depute.

II.

TO all and ſundry whom theſe preſents do or may concern, John Campbell-Hooke, of Bangeſton, Eſquire; Lyon, King of Arms, doth hereby certify and declare, that there are two entries of the Arms of the deceaſed John Earl of Sutherland, Lord Strathnaver, recorded in the Publick Regiſter of

of Arms for Scotland, in the Lyon-office at Edinburgh; of the ſecond of which entries the Tenor follows: The Right Honourable John Earl of Sutherland, one of the Knights Companions of the moſt ancient and moſt noble Order of the Thiſtle, by virtue of his Majeſty's Royal ſigned Warrand, bears Gules, three Mollets Or, on a bordure of the ſecond, a double Treſſure, flower'd and counterflower'd with flower-de-Lis of the firſt, all within the Order of St. Andrew—Creſt—a Catt-a-mounting Salient—Supporters—two Savages, wreathed about the Head and Loins with Laurel, holding Battons in their hands proper, ſtanding upon a Copartment—Motto, *Sans Peur*. Extracted at Edinburgh, the 29th of December, 1769 Years, by

Signed

THOMAS BRODIE, Lion Depute.

APPENDIX V.

I.

RECORDS *of* PARLIAMENT.

In Parliamento tento Apud Edinburgh, 15mo. Martii, Anno Domini, 1542.

B 10. f. 76. THE quhilk day my Lord Governour, with aviſe and conſent of the thre eſtaitis of Parliament, has criate, maid, and ordainit ane nobill and mighty man, Andro, ſumetyme Lord Avindale, Baroun and Barounrent, and Lord of our ſoveraine Ladyes parliament; and to be called, he and his ſucceſſouris, in tyme to cum, Lord Stewart of Ochiltre, and to haif vote and place in the parliament, as uyeris Lordis of the realme aucht and ſould haif in the ſamyn haifand all honours and dignitys offerand yrto.

II.

Carta Andree Domini Avendale.

B. 25. No. 220. JACOBUS, &c. Sciatis nos quandam Cartam Donationis, factam per Jacobum Hamiltoun, de Finnart Militem, Conſanguineo noſtro Andree Domino Avendale Heredibus ſuis et aſſignatis hereditarie de totis et integris dicti Jacobi Caſtro et Fortalicio de Uchiltree, ac de omnibus et ſingulis terris ſuis antiqui extentus ſubſcript, viz. quinque librat. Terrarum Dominicalium de le Manys vulgo nuncupat, &c. In excambium pro omnibus et ſingulis Terris antiqui extentus ſubſcript, viz. Terris dominicalibus le over et nether Manis de Avendale nuncupat. extenden ad octo mercat. Terrarum cum Caſtro Fertalicio, &c. Ultimo Auguſti 1534. Quamquid Cartam Confirmamus Apud Striveling 2do. die Menſis Septembris, Anno Domini 1534, et regni noſtri 21mo.

III.

III.

Carta Andree Domine Avendale.

JACOBUS, &c. Sciatis nos quandam Cartam Donationis fact. per Jacobum Hamiltoun de Fynnart Militem conſanguineo noſtro Andree Domino Avendale in libero Tenemento, ſive vitali reditu, pro toto tempore vite ſue et Andree Stewart ejus filio et Heredi apparenti in feodo heredibus ſuis et aſſignatis hereditarie de omnibus et ſinguliis dicti Jacobi Terris et Baronia de Uchiltree cum partibus, &c. except. Caſtro et Fortalicio de Uchiltree, ac omnibus et ſingulis Terris antiqui extentus ſubſcript, viz. quinque libratis Terrarum dominicalium le Manys vulgo nuncupat. &c. In excambium pro omnibus & ſingulis Terris antiqui extentus ſubſcript, viz. quatuor mercatis Terrarum de Cauldſtreme, &c. et Baronie de Avendale, &c. Ultimo Auguſti 1534. Quamquid. cartam, &c. Confirmamus, &c. Apud Striveling 2do. die Menſis Septembris, Anno Domini 1534, et regni noſtro 21mo. { B. 25. No. 153.

IV.

In Parliamento tento apud Edinbugh 12mo die Menſis Decembris, Anno Domini, 1543.

ANENT the ſummondis raiſit at the inſtance of James Hamiltoun, ſon and appearand air of Umql. James Hamiltoun of Fynnart, Knight, againſt James Erle of Arrane, Tutor to the Queenis Grace, Protectour and Governour of this Realme; Mr. Henry Lawder, her Grace Advocate, and Thomas Menzies of Pittfoddellis, her Comptroller, and all and ſundry uthers haifand intereſt in the ſaid maeter, That is to ſay, the ſaids perſonis to produce the pretendit Act of adjournale, ſentence and proceſs of forfaltour given the 16th day of the month of Auguſt, the yeir of God 1540 yeires, fyndand and decernand That all the ſaid Umql. James Hamiltoun of Fynnart, Knight, committit art and part of the treaſonable imagination, inventiown and conſultatioun, ſchutting and emiſſion of Gunnis furth of the Palice of Linlithgow and Stepill of the ſamyn at the proper perſoun of Umql. our moſt ſerene fader, and perſounis being in cumpany with him for the tyme, baith the tyme yathe came to the town of Lynlithgow and the tyme yat he paſſit fra the ſamyn; and that he committit art and part of the treſonable imaginatioun, inventioun and conſultation of ſlaughter of the ſamyn our Umql. fader, the tyme yat he ſpake with Archibald Douglace and James Douglas of Parkhede, at the chapell of ſanct Leonard, beſeyde Edinburgh, efter the forfaltour of Archibald, ſometyme Earle of Anguiſs, George Douglas, his broder, and the ſaid Archibald Douglas, his { B. 10. fol. 108.

fader, bruyr. and yarfor decernand be laude and be decreet that the ſaid Umql. James of Fynnart, Knight, had forfaltit to our ſaid Umql. ſerene fader, his life landis, rentis, poſſeſſionis and all and ſundry his gudis, moveable and immoveable as in the proceſs of forfaltour, act of adjornale and ſentence, led and given yrupon, mair fullellie is contenit, and to heir and ſee the ſaid pretendit proceſs, act of adjornale and ſentente of forfaltour be ſenſement of the three eſtaites of our realme in our ſaid parliament, to be decernit of the law, to have been fra the beginning and for to be in all tyme for to cum, in the ſelf, null and of na ſtrength; and be nulite led and deducit, and the ſamyn, in ſa far as yai may of the law appear of valour and ſtrength: And to heir and ſee rhe ſamyn be retreittit, caſſit and annullit, in the foreſaid manner, togidder with the annexation of the landis of the ſaid Umql. James, Knight, to our crown, be the act of Umql. our derreſt fader, in his parliament, halden at Edinburgh, the tenth day of December, in the year of God 1540 yeiris; with all that followis yrupon, And alſua to heir and ſee the ſaid James, as air and ſone to the ſaid Umql. James, Knight, to be reſtorit and reponit in integrum againis, the ſaid act of adjournale, proceſs and dome of forfaltour, and he as ſone and lauchfull air to the ſaid Umql. James, his fader, decernit to ſucceid to his landis, offices, lordchipp's, gudis, moveable and immoveable, als lauchfullie: As the ſaid pretendit ſentence of forfaltour had never been lede and promulgate againſt the ſaid Umql. James, his fader, for divers reſſonis and cauſes, like as at mair length is contenit in the ſaid ſummondis, &c. My Lord Governour, with aviſe of the three eſtaites of parliament, and be ſenſement of the ſamyn, retretis, reſcindis, caſſis and and annullis the ſaid pretendit act of adjornale, ſentence and proceſs of forfaltour, led and given agains the ſaid Umql. Sir James, in manner foreſaid; and decernis and declaris the ſamyn be ſenſement of this preſent parliament, to have bene fra the beginning, and to be in all tyme cumming, in the ſelf, null and of na ſtrength, togedder with the act of annexation of parliament, of the landis of the ſaid Umql. Sir James, to the crown with all that followit yrupon, &c.

V.

PARLIAMENT RECORDS.

THAT Sir James Hamiltoun ſtands on the Rolls of Parliament, holden at Edinburgh upon the tenth and twelth days of June, one thouſand five hundred and thirty-five years, is atteſted by me, Keeper of the Records in his Majeſty's General Regiſter-Houſe at Edinburgh.

Signed

ALEX. ROBERTSON.

VI.

VI.

Carta Jacobi Hamiltoun.

MARIA, &c, Dediſſe, &c. dilecto noſtro Jacobo Hamiltoun de Crawfurd Johnne Militi et Domini Helene Cunnynghame ejus ſponſæ, &c. Omnes et ſingulas Terras et Baronias ſubtus ſpecificat, viz. omnes et ſingulas Terras *Dominium et Baroniam* de Avendale, cum Caſtro fortalicio, &c. Terras de Haſſelden in Milmurelands, &c. Omnes et ſingulas Terras de Sandcholm et Brumelands cum pertinen. Totas et integras Terras & Baroniam de Crawfurd Johnne, &c. Apud Strivelling 20mo. die Menſis Aprilis, Anno Domini 1565, et regni noſtri 23tio. {B. 32. No. 420.

APPENDIX VI.

I.

JACOBUS, &c. quandoquidem nos intelligentes, tam honorem Titulum et dignitatem, quam predia demortui Roberti domini Simpile Deficien. heredibus maſculis de Suo Corpore, Domine Anne Sempile filie ſue legitime natu maxime, nunc Sponſe Franciſci Abercrombie de Fetternier, et heredibus de ejus corpore legitime procreand cognomen de Simpill Aſſumentibus, atque nomen et Inſignia Armorea de Simpill familiæ ejuſdem, abſque ulla immutatione gerentibus, per Ipſum quondam Robertum Dominum Sempill proviſa fuiſſe; dictumque Robertum, et Franciſcum Dominum Sempill ejus filium nunc Demortuos eſſe, nullis heredibus maſculis de eorum Corporibus exiſten. Atque etiam Robertum Sempill heredem maſculum, dict demortui Roberti Domini Sempile, et Franciſci Domini Sempile ejus filius, Omnem Omnino titulum jus ſeu juris pretextum, que ad titulum Domini Sempile habebat, ſeu pretendere poterat, in manibus noſtris Reſignaſſe, in favorem prefatæ Dominæ Annæ Sempile dicti Sui mariti, Eorumque preſcript. Noſque pariter, a quo tanquam primevo fonte et Scaturigine, Honores Omnes in Dominijs hiſce noſtris unice promanent ſerio perpendentes, perplurimum Corone noſtre intereſſe, tam dignitatem et honorem, quam predia et poſſeſſiones antiquarum et fidelium familiarum preſervare, atque ſereniſſimum noſtrum fratrem, Illuſtriſſimum noſtrum patrem, alioſq; Auguſtiſſimos noſtros anteceſſores ſolitos fuiſſe Nobiliſſimas et Antiquiſſimas familias Regni noſtre Scotiæ Continuare, in Succeſſione filiæ generoſo Cuidam et benemerito nubentis, (quiquidem ejuſq; heredes Cognomen et Inſignia Armoria familie gerit, et aſſumit) Eorumq; maritos, Eodem titulo in liberos ſuos Continuande honorari. Noſque fidem certiores facti, de ſervitus eximijs perplurimis perfamiliam de Sempile Coronæ noſtræ preſtitis, deq; eorum fidelitate et perpeſſionibus, ob firman ſuam Juribus Regijs adheſionem duran nuperimis Commotionibus propter, quæ Franciſcus et Robertus Dominus Sempile ejus Frater proſcripti et mulctate ſuere, eorum Domus direpte, et Tenentes ſui et predia militibus per peſſa, perque Rebellium et ſeditionem prevalentem Tyrannidem, Omnino devaſtata; noſque etiam benigne Cupidi, quod poſſeſſiones et dignitas familiæ de Sempile in perſona dicte dominæ Annæ Sempile, mariti ſui, Eorumque heredum Maſculorum Confirmentur et Stabilientur. Noveritis Igitur nos Ratificaſſe Confirmaſſe et Approbaſſe, tenoreq; preſentum Ratificare Confirmare et approbare, Obligationem talliæ et proviſionis per dictum demortuum Robertum Dominum Sempile

Sempile Conceſs. per quam poſſeſſiones Honor et dignitas ejus, deficientibus heredibus maſculis, de ejus Corpore, (quiquidem Caſus nunc exiſtit) In favorem prodicte dominæ Annæ Sempile filiæ ſue legitime natu maxime proviſa fuere, atque etiam Jus perdict; heredem Maſculum in ejus favorem conceſs. omniaq; alia Jura que ad poſſeſſiones et predia aut dignitatem familiæ de Sempile ipſa habet, perq; preſentis dictam dominam Annam Sempile ejuſque heredes maſculos in preſenti hoc, ſeu ſubſequenti ſuo matrimonio ſucceſſive, Titulo, Dignitate, Gradu et honore Anteceſſoribus ſuis temporibus retroactis debit, per ipſos poſſeſs, tam plene adeoque Libere ejuſdem datæ et antiquitates prout eodem poſſidere, aut poſſidere potuere frui aut gaudere Ordinamus; noſque etiam pleniſſime certiorati, non ſolum de fidelitate et zelo prenominati Franciſci Abercromby de Fetternier erga ſervitium noſtrum, verum etiam demeriits et perpeſſionibus eximijs demortue Alexri Abercromby de Fetternier ſui patris, Tempore nuperrimarum Infeliciſſemarum Commotionum Regiorum noſtrorum, Jurium propugnatoris ſereniſſimi, quique in prelio illo Apud Alford cum montis Roſarum Marchione perſonaliter interfuit, cumque Gordonii Domino adderat Tempore ſui Trucidationis; Igitur nominaſſe creaſſe et inauguraſſe, tenoreque preſentium ex prerogativa noſtra Regale, proprie noſtre motu ac certa ſcientia, creare conſtituere, et inaugurare prefatum Franciſcum Abercromby de Fetternier, (omnimodo aſſumentem Cognomen de Sempile ac Inſignia Gentilitia ejuſdem Gerentem) Liberum Dominum Dominum Glasford Denominand; duran; omnibus ſue vite diebus, Cum univerſis privilegijs et præeminentiis tam in parliamentis quam alijs conventibus predictæ dignitati Competen. Cum Sciz. Libiri ſui dicti matrimonij, tanquam heredes ſuæ matris ſucceſſuri ſint in Antiqua dignitate et precedentia familiæ de Sempile et Antiquorum Dominorum ejuſdem (excluſis Omnimodo liberis in ullo alio Matrimonio) cum Omnibus privilegiis et Immunitatibus, ad Dignitatem gradum et Ordinem Domini in Dicto Regno Pertinen. et Spectan. In cujus rei Teſtimonium. Apud Whythall, July 25, 1685.

II.

Diploma Walteri Comitis de Tarras.

CAROLUS, &c. Sciatis Cumq; nobis Conſtiterit dilectum noſtrum Walterum Scott Juniorem de Haycheſten nunc vero maritum dilectæ noſtræ Conſanguinee Mariæ Comitiſſæ de Buccleugh opibus ſatis inſtructum eſſe pro obeunda dignitate et titulo Comitis Quem in Eum conferre Decrevimus ut animus ei addatur ad perſiſtendum fideliter in noſtro ſervitio Qua propter, &c. fecimus, &c. prenominatum Walterum Comitem de Tarras et Dominum Almoor et Campcaſtill ad dies vite ejus naturalis ut ita deſignetur et Denominetur, &c. Apud Aulam noſtram de Whythall 4to. Septembris 1660mo. { B. 58. fol. 3.

III.

Diploma Jacobi Ducis Hamiltonii, &c.

B. 57. fol. 309. CAROLUS, &c. Fecimus, &c. prefatum Jacobum Hamiltonii Marchionem Ducem Hamiltonii Marchionem Clidiſdalie Comitem Arranie & Catabrigie, Dominum Avennie & Innerdalie, Dan. Conceden. & Commiten. quemmadmodum, Nos, pro nobis, et ſucceſſoribus noſtris, Damus Concedimus et Committimus illi ejuſq; heredibus maſculis de corpore ſuo ligittime procreandis; Quibus dificientibus fideliſſimo noſtro Conſanguineo et Conſiliario Willielmo Comiti de Lanerk, &c. noſtro ſecretario, ejus patri, et heredibus maſculiis de Corpore dicti Willielmi Comitis de Lanerk legittime procreatis vel procreandis; quibus etiam deficientibus, heredi ſemelle natu maxime abſq; diviſione de corpore dicti Jacobi Marchionis de Hamiltoun jam procreate ſeu procreande & heredibus maſculis de corpore dicti heredis ſemelle natu maxìme legittime procreandis, Cognomen de Hamiltoun, et inſignia familie, de Hamiltoun geren. (que ſibi ſemper aſſumere et Omni tempore futuro Geſtare tenebuntur & Aſtringentur) Quibus omnibus deficientibus, prefato Jacobo Hamiltonii Marchioni Suiſq; propinquioribus legitimis heredibus quibuſcunque, Titulum Gradum ac Dignitatem Ducis cum omnibus & ſingulis prerogativis præementiis priviligiis Dignitatibus et immunitatibus eo pertinen. et Spectan. quibus honore ordine et Gradu Dignitatis inveſtivimus et nobilitavimus, tenoreque preſentium inveſtimus et nobilitamus dictum Jacobum Hamiltonii Marchionem ejuſq; heredes maſculos, alioſq; Tallie predict. ut, Omni tempore futuro, Duces Hamiltonii Clidſdalie Marchiones Arranie et Cantabrigie Comites Avennie et Innerdalie Domini, nuncupentur et Deſignentur, &c. Apud Oxſuird, 12mo. Aprilis, 1643.

APPENDIX VII.

Carta Johannis Domini Kennedy.

JACOBUS, Dei Gratia Rex Scotorum, Omnibus probis hominibus ſuis ad quos preſentes litere pervenerint, ſalutem; ſciatis nos dediſſe conceſſiſſe, et hac preſenti Carta noſtra, confirmaſſe, delecto conſanguineo noſtro David Kennedy filio et heredi apparenti, delecti conſanguinei noſtri Joannis Domini Kennedy, Omnes et ſingulas Terras et Baronias de Caſſills et Dunure, cum Caſtris fortaliciis annexis dependentiis tenentibus tenandris libere tenentium ſervitiis earundem; una cum jure patronatus advocatione et donatione prepoſiture Eccleſiæ Collegiate de Maybole et prebendarum ejuſdem; nec non terras de Gervane et Glenop, cum ſuis pertinen. Jacen. in Comitatu de Carric, infra vicecomitatum noſtrum de Are; Quæquiden terræ baroniæ de Caſſills et Dunure, cum caſtris fortaliciis annexis dependentiis tenentibus tenandriis ac libere tenentium ſervitiis earundem, una cum jure patronatus advocatione et donatione præpoſituræ Eccleſiæ Collegiate de Maybole et prebendarium ejuſd; nec non terræ de Girvane et Glennop cum ſuis pertinen. ſuerunt dicti Johannis Domini Kennedy hereditarie; et quas et que idem Johannes Dominus Kennedy non vi aut metu ductus, nec errore lapſus ſed ſua mera et ſpontanea voluntate, in manibus noſtris tanqm. in manibus Comitis de Carrick, apud Striveling per fuſtim et baculum, et ſuos procuratores ad hoc legittime conſtitutos, ſurſum reddidit, pureque ſimpliciter reſignavit, ac totum jus et clameum que in dictis terris baroniis caſtris fortaliciis annexis dependentiis tenentibus tenandriis libere tenentium ſervitiis jure patronatus advocatione et donatione prepoſiture prebendarium predict. cum ſuis pertinen. habuit, ſeu habere potuit, pro ſe et heredibus ſuis omnino quiete clamavit imperpetuum. Tenend. et habend. omnes et ſingulas predictas terras et Baronias de Caſſills et Dunure, cum caſtris fortaliciis annexis dependentiis tenentibus tenandriis libere tenentium ſervitiis earund. una cum jure patronatus advocatione et donatione prepoſiture Eccleſiæ Collegiate de Maybole et prebendarium ejuſd. nec non terras de Girvane et Glennop, cum ſuis pertinen. dicto David Kennedy, et heredibus ſuis, de nobis et ſucceſſoribus noſtris tanquam Comitibus de Carrick, in feodo et hereditate imperpetuum: Per omnes rectas metas ſuas antiquas et diviſas prout jacent in longitudine et latitudine in boſcis, planis, moris, mareſiis viis ſemitis aquis ſtagnis rivulis pratis paſcuis et paſturis molendinis multuris et eorum ſequelis aucupationibus venationibus piſcationibus petariis turbariis carbonariis lapicidiis lapide et calce fabrilibus braſinis brueriis et geneſtis, cum curiis et earum exitibus hærezeldis bludewitis et merchetis mulierum cum furca foſſa ſok ſak tholl theme infangthief outfangthief pit et gallows,

{B. 13. No. 249.

gallows, ac cum omnibus aliis et ſingulis libertatibus commoditatibus et aſiamentis ac juſtis pertinen. ſuis quibuſcunq; tam non nominatis, quam nominatis, tam ſubtus terra, quam ſupra terram, procul et prope ad prædict. terras baronias caſtra fortalicia, cum annexis dependentiis tenentibus tenandriis libere tenentium ſervitiis jure patronatus una cum advocatione et donatione prepoſituræ Eccleſiæ Collegiate præbendarum predict. cum ſuis pertinen. ſpectan. ſeu juſte ſpectare valen. quomodolibet in futurum, adeo libere quiete plenarie integre honorifice bene et in pace, in omnibus et per omnia, ſicut dictus Johannes Dominus Kennedy aut predeceſſores ſui predict. terras baronias, caſtra fortalicia, cum annexis dependentiis tenentibus tenandriis libere tenentium ſervitiis jure patronatus, una cum advocatione et donatione præpoſituræ Eccleſiæ Collegiate prebendarum predict. cum ſuis pertinen. de nobis aut predeceſſoribus noſtris comitibus de Carrick, ante dictam reſignationem, nobis inde factam liberius tenuit ſeu poſſedit tenuerunt ſeu poſſederunt *Ac ſecundum tenorem antiquarum infeodationum eis deſuper confect.* Reddendo inde annuatim dictus David et heredes ſui nobis et ſucceſſoribus noſtris Comitibus de Carrick, jura et ſervitia de dictis terris, baroniis, caſtris fortaliciis, cum annexis dependentiis tenentibus tenandriis libere tenentium ſervitiis jure patronatus advocatione et donatione preprepoſiture prebendarum predict. cum ſuis pertinen. ante dictam reſiignationem nobis debita et conſueta: Refervato tamen libero tenemento omnium et ſingularum predictarum terrarum de Caſſills et Dunnure, cum caſtris fortaliciis annexis dependentiis tenentibus tenandriis libere tenentium ſervitiis earund. una cum jure patronatus advocatione et donatione prepoſiture Eccleſiæ Collegiate de Maybole et prebendarum ejuſd. Ac etiam terrarum de Girvane de Glennop, cum ſuis pertinen. prefato Johanni Domino Kennedy, pro toto tempore vitæ ſuæ. In cujus rei teſtimonium preſenti cartæ noſtri magnum ſigillum noſtrum apponi precepimus; teſtibus Reverendiſſimo in Chriſto patre, noſtroq; cariſſimo fratre, Jacobo Sancti Andrea Archiepiſcopo, &c. reverendo in Chriſto patre Willielmo Epiſcopo Aberdonen. noſtri ſecreti ſigilli cuſtode, dilectis conſanguineis noſtris, Archibaldo Comite de Ergyle, Domino Campbell et Lorne magiſtro hoſpitii noſtri, Alexandro Domino Hume magno Camerario noſtro, Andrea Domino Gray juſticiaro noſtro, venerabilibus in Chriſto patribus, Georgio Abbate Sanctæ Crucis prope Edinburgh, Jacobo Abbate de Scona, et dilectis Clericis noſtris Mris Ricardo Murhead Decano Glaſguen; Secretario noſtro, et Gavino Dunbar Decano Moravien noſtrorum Rotulorum et Regiſtri ac Concilii Clerico; Apud Striveling, decimo Septimo die menſis Februarii, Anno Domini milleſimo quingenteſimo primo, et Regni noſtri Decimo quarto.

That what is contained on this and the four preceding pages is a juſt copy taken from the Records in his Majeſty's general Regiſter Houſe, is atteſted by me, Keeper of theſe Records, at Edinburgh, the ſame being examined, collated, or compared at the Sight, and by the Aſſiſtance of Thomas Longland's Notary Publcik.

(Signed) ALEXANDER ROBERTSON.

THOMAS LONGLANDS, Not. Pub.

APPENDIX

APPENDIX VIII.

At Edinburgh, the Sixteenth Day of January, One Thouſand, Seven Hundred and Sixty Seven Years——

THE which day, in preſence of me, Notary Public and witneſſes after deſigned and ſubſcribing, appeared John Davidſon, writer to the ſignet as procurator for, and in the name of, Sir Robert Gordon, of Gordonſton, Premier Knight, Baronet of Scotland, and undoubted heir male of the laſt Earl of Sutherland, whoſe power of procuratory was well known to me, the ſaid Notary Public, and paſſed with us to the perſonal preſence of Mr. John Mackenzie, writer to the ſignet, the known agent and doer of the late William Earl of Sutherland, and one of the Tutors of Lady Elizabeth Gordon, alias Sutherland, only child of the ſaid late Earl, and as agent for her other Tutors—and repreſented to him, That, ſoon after the ſaid late Earle's death, the ſaid Mr. John Mackenzie had been acquainted, by the ſaid John Davidſon, that he was employed by the ſaid Sir Robert Gordon, the undoubted heir male of the late Earl of Sutherland, to enquire into the matter of the peerage and title of dignity of Earl of Sutherland, ſo as it might be known, whether Lady Elizabeth had any claim to that title, or, if the ſame, agreeable to the deciſions of the court of Seſſion, in this caſe, in the year 1706; and in the caſe of Lovat, and the deciſion of the Houſe of Peers, in the caſe of Caſſils, came to the ſaid Sir Robert Gordon, as heir male aforeſaid; and that Sir Robert hoped the Tutors would be ſo obliging as to ſhew him and his doers the writings, in the cuſtody of the family of Sutherland, which might tend to clear up that matter; and that this, in the end, was really for the intereſt of their pupil, becauſe, if her claim appeared good to the counſel of Sir Robert Gordon, after their ſeeing theſe whole writings then Sir Robert would acquieſce in it; and if theſe writings vouched the right to be in Sir Robert, it was a matter of juſtice to ſhow the ſame to him; he had a right to ſee them, and that right would, at laſt, be enforced with the proper remedy; but for which, Sir Robert hoped, the Tutors of the Lady would ſave him, her couſin and preſumptive heir male, the trouble of an application, by giving him a full and fair inſpection of all the writings they had concerning that matter. That the ſaid John Davidſon

had afterwards, on the fourteenth of November laſt, by advice of Sir Robert Gordon's counſel, wrote a letter to the ſaid Mr. John Mackenzie, deſiring him to call a meeting of the ſaid Tutors, and to lay before them Sir Robert's requeſt of inſpection of the papers which were produced in the court of Seſſion, in the proceſs of precedency with the Earl of Crawford, and all the papers which were in the late Earl's or his doers poſſeſſion, on which the proof of the deſcent of the title to heirs female is grounded, or which aſcertain the right to the title to have been in Adam Gordon, Earl of Sutherland; alſo the retours of the heirs, and the writings which ſhow the ſettlements of the family eſtate, preceding the year 1636, or the times of the births, deaths or marriages, and ſtate of the poſſeſſors thereof, or their iſſue, all which may tend to clear up the queſtion of the right to that title, and to give him their anſwer; and acquainted him that copies of that letter were ſent to other four of the tutors named to the ſaid lady; that ſoon thereafter ſome meetings of the tutors were held, and afterwards ſome of the writings which were produced in the proceſs 1706, were ſhowen by Mr. Alexander Mackenzie, writer to the ſignet, to the ſaid John Davidſon. However, one paper, viz. the copy of the decreet or ratification in counſel, in the year 1617, of the decreet of ranking the nobility, which ſhews a new title in the family, viz. Lord Gordon, of Dornock, was not ſhewn; that thereafter the ſaid John Davidſon delivered to the ſaid Alexander Mackenzie a ſchedule, or liſt of ſundry papers, of which Sir Robert deſired to have inſpection, and of which the ſaid John Davidſon, on the day and date hereof, alſo gave a copy to the ſaid Mr. John Mackenzie, and of which a copy, as relative hereto, is annexed, of which Mr. Alexander Mackenzie had alſo ſhewed him ſome, but declined to ſhew him the reſt, and particularly Alexander's ſervice to Earl Adam, dated in the year 1590, and writes of Tilliehoudie, and many others: and yet that he could obtain no other anſwer to his letter, nor notice whether he was to ſee the ſaid other writings in the cuſtody of the ſaid tutors; but only that the tutors were to look at the papers and were to give no anſwer. That the counſel of Sir Robert Gordon had thereupon adviſed the ſaid John Davidſon to repreſent theſe things to the ſaid Mr. John Mackenzie under form of Inſtrument which he now did accordingly, and proteſted againſt the ſaid Mr. John Mackenzie for himſelf, and as Agent for all the accepting tutors of the ſaid Lady, for not giving inſpection to the ſaid Sir Robert Gordon, of the ſaid writings, and that they ſhould not preſume to aſſume or uſe the title of dignity or peerage of Sutherland, as belonging to their ſaid pupil, contrary to the ſaid deciſions, until it was aſcertained in the proper form and manner, whether ſhe had any right to it; and that the ſaid Lady and her acting tutors ſhould be liable to all damage and expences which the ſaid Sir Robert Gordon might be put to by their doing in the contrary; whereupon, and upon all and ſundry the premiſſes, the ſaid John Davidſon aſked, and took inſtruments in the hands of me, Notary Public, ſubſcribing and delivered to the ſaid Mr. John Mackenzie, a ſchedule of proteſt of the tenor above written: Theſe things were done, place, day, month and year of God, before written, within the parliament or new ſeſſion houſe, betwixt the hours of one and two of the clock in the afternoon, before, and in the preſence of Alexander Pierie, writer in Edinburgh, and Alexander Gray, apprentice

prentice to the ſaid John Davidſon, witneſſes ſpecially called and required to the premiſſes.

Praemiſſa Atteſtor,

HU CORRIE, N. P.

ALEX. PIERIE, witneſs.

ALEX. GRAY, witneſs.

Note of Papers to be ſeen in the Matter of the Title of Earl of Sutherland, referred to in the before-written Inſtrument of Proteſt.

CHARTER. Hew Friſkin, Earl of Sutherland, to U. Gilbert, archdean of Murray, of the lands of Shelbo, &c.

Confirmation thereof, by William the Lyon, dated April 29, at Slichheſleſs.

Earl William's Charter of Confirmation of Hews, ſaid Charter.

Charter of Confirmation by King Alexander at St. Andrews, 22d December, 22do. Regni. 1235.

Charter by King David to William Earl of Sutherland and Margaret Bruce of Dunnotar, dated at Edinburgh. Penult, Mar. 1347.

Charter by King David, after his Siſter's Death, to Earl William and Son John, of Barony of Urquhart.

Infeftment to John, Earl John's eldeſt Son, of Pulroſie and Spanzie-Deal. 1467.

Service of Elizabeth, as Heir to her Father. May 22, 1509.

Judicial Renounciation of all pretence of Right to the Earldom, by Alexander, the Baſtard of Sutherland, in Earl John and his Siſter's favour. July 25.

Proceſs of Idiotry, Earl Adam and Counteſs Elizabeth againſt Earl John, before the Magiſtrates of Perth. 1514.

Gift of the Chaplainry of Golſpickirk Town, by Earl Adam, as Patron thereof, on Reſignation of Malcolm Ratter, to Robert Mackrieth, directed to Andrew, Biſhop of Caithneſs, and Commendator of Kelſo and Fern. 1515.

Grant, by Earl Adam, to John Earl of Caithneſs, of Ten Daucks of Land, on Eaſt Side of Water Ully, called Sahthully, to return when Sutherland gave Caithneſs a Twenty Pound in Caithneſs. 1516.

Bond of Service to Earl Adam, by Roy Macky.

Bond of Service, by John Macky, to Earl Adam. 1518.

Do. by John Macky, to Alexander Maſter of Sutherland. 1522.

Decreet Arbitral, by Biſhop Gavin Dunbar, of all Differences between the Earls Sutherland and Caithneſs, ſigned at Edinburgh. March 11, 1524.

Few Charter. Robert, Biſhop of Caithneſs, to John Earl of Sutherland. 1544.

Confirmation thereof to Alexander.

Diſpenſation, by Queen Mary, to John, to Serve lieu the Minor. 1545.

Dos. Service to his Father.

Infeftment

1577. Infeftment of John, Son to Earl Alexander.
1583. Excambion of Aboyne, with Superiority of Strathnaver and Sheriffſhip of Sutherland.
Jan. 1590. Alexander's Service to Earl Adam.
Alexander's Taillie of the Earldom of Sutherland, to the Heirs Male of his Body, and then to the Heirs of Huntly.
Contract of Marriage of William Lord Strathnaver, 1720.
The Writes of the Lands of Tilliehoudie, or any others which ſhow that Adam Gordon was or was not Earl of Sutherland.

Signed

HU CORRIE, N. P.

ALEX. PIERIE, witneſs.

ALEX. GRAY, witneſs.

Copy of a Letter to Mr. William Gordon, the Claimant's Son, in relation to the Ratification of the Decreet of ranking, 1617.

Dear Sir,

YOU know that ſince the beginning of the enquiries about the title of dignity of Earl of Sutherland, I thought it was of conſequence to find out the ratification paſt in council of the decreet 1606, ranking the nobility, and by which ratification, as appears from what is ſaid on both ſides, pages 72 and 94, of the precedency papers, the Earl of Sutherland had the title of Lord Gordon, of Dornock, aſcribed to him. In this view I often applied to the other party for the paper, but was uniformly told they had it not, and I am ſure they never ſaid otherways to me, nor never ſhewed it to me. I ſee they have in the appendix 2d, or additional, printed a copy of a proclamation, 1617, ratifying the decreet of ranking, 1606; but it is impoſſible that could be the paper referred to in the precedency proceſs, for it has not one word about the title of Lord Gordon, of Darnock, which the aforeſaid evidence proves to have been mentioned in that paper referred to. I am,

Dear Sir,

Your moſt humble Servant,

JOHN DAVIDSON.

Edinburgh Dec. 30, 1769.

To William Gordon, Eſq;

APPENDIX

APPENDIX IX.

I.

King Robert's Charter to Ranulph Earl of Murray.

ROBERTUS, Dei Gratia Rex Scotorum, omnibus probis hominibus totius terræ ſuæ ſalutem. Sciatis nos dediſſe conceſſiſſe, et hac præſenti carta noſtra confirmaſſe Thomæ Ranulphy, Militi dilecto, nepoti noſtro, pro homagio et ſervitio ſuo omnes terras noſtras in Moravia ſicut fuerunt in manu Domini, Alexandri Regis, Scotiæ, prædeceſſoris noſtri ultimo defuncti, una cum omnibus aliis terris adjacentibus infra metas et diviſas ſubſcriptas contentas, incipiendo videlicet, ad aquam de Spee ſicut cadit in mare et ſicut aſcendendo per eandem aquam, includendo terras de Fouchabre, Kothernayks, Rothays & Bocharine per ſuas rectas metas & diviſas cum ſuis pertinentiis; et ſic aſcendendo per dictam aquam de Spee uſque ad marchias de Badenach & ſic includendo omnes terras de Badenach et Kyncardyn et de Glencarin, cum pertinentiis per ſuas rectas metas & diviſas; et ſic ſequendo marchiam de Badenach uſque ad marchiam de Louchabre; et ſic includendo terras de Louchabre, de Mayinez, del Locharketh, de Glengarech, et de Glenely, cum pertinentiis, per ſuas rectas metas et diviſas; et ſic ſequendo marchiam de Glenelg uſque ad mare verſus occidentem; et ſic per mare uſque ad marchias boreales Ergadiæ quæ eſt Comitis de Ros; et ſic per marchias illas uſq, ad marchias Roſſiæ; et ſic per Marcias Roſſiæ quoſque perveniatur ad aquam de Forne; et ſic per aquam de Forne quouſque perveniatur ad mare orientale. Tenendas et habendas dicto Thomæ, et heredibus ſuis maſculis de corpore ſuo legitime procreatis ſeu procreandis de nobis, et heredibus noſtris in feodo et hereditate ac in libero comitatu ac in libera regalitate cum quatuor querelis ad coronam noſtram regiam ſpectantibus; et cum omnibus placitis et querelis tam in communibus indictamentis quam in brevibus placitabilibus; & cum omibus aliis loquelis quibuſcunque ad liberam regalitatem pertinentibus ut aliquo modo pertinere valentibus adeo libere quiete plenarie et honorifice ſicut aliqua terra infra regnum noſtrum in regalitate liberius plenius quietius aut honorificentius dari poterit aut teneri, una cum magna cuſtuma noſtra burgi de Invernis, et coketo ejuſdem et libertatibus ſuis in omibus except. tantummodo parva cuſtuma dicti burgi, cum plenaria poteſtate attachiandi, accuſandi, et in omnibus miniſtrandi ac judicandi, omnes illos dicti

Adv. Library A. 1. 40. f. 91, 92.

vicecomitatus injurias dampna seu præjudicia facientes indebite cuſtumæ prædictæ edeo libere in omnibus ſicut nos ſeu aliquis miniſtrorum noſtrorum ipſos attachiare, accuſare miniſtrare ſeu judicare potuimus, ſeu poterit in præmiſſis; et quod dictus comes, et heredes ſui Amerciamenta excaetas et forisfacturas inde contingentes edeo libere et quiete habeant et poſſideant in futurum, ſicut nos ſeu aliquis prædeceſſorum noſtrorum dicta amerciamenta, excaetas ſeu forisfacturas aliquo tempore habuimus. Quare vicecomiti noſtro de Inverniſs, et balivis ſuis ac præpoſitis, et balivis dicti burgi qui pro tempore fuerint ac ceteris quorum intereſt firmiter præcipimus et mandamus quatenus præfato Comite et heredibus ſuis prædictis ac ſuis miniſtris in præmiſſis ſint intendentes et reſpondentes conſulentes et auxiliantes ſuper hoc, ſi neceſſe fuerit, noſtra regali potentia invocata, ſine aliquo alio mandato noſtro ſpeciali interveniente. Volumuſque et concedimus quod dictus Thomas et heredes ſui predicti habeant teneant et poſſideant dictum, comitatum cum manerio de Elgyn quod pro capitali manſione comitatus Moraviæ de cetero teneri volumus et vocari, et cum aliis omnibus manerijs, burgis, villis, thanagijs, & omnibus terris noſtris dominicis, firmis, et exitibus infra prædictas metas contentis, cum advocationibus eccleſiarum cum feodis et forisfacturis, cum ſilvis et foreſtis, moris et mareſiis, cum viis, et ſemitis, cum aquis, ſtagnis, lacubus, vivariis, et molendinis, cum piſcationibus tam maris, quam aquæ dulcis, cum venationibus, aucupationibus, et avium aëriis, cum omnibus aliis libertatibus, commoditatibus, ayſiamentis et juſtis pertinentiis ſuis, in omnibus, et per omnia, tam non nominatis quam uominatis: quibus heredibus dicti Thomæ maſculis deficientibus, quod abſit, volumus quod dictus comitatus ad nos, et heredes noſtros, libere, et integre ac ſine aliqua contradictione, revertatur. Volumus etiam et concedimus pro nobis et heredibus noſtris, quod omnes barones et libere tenentes dicti comitatus, qui de nobis et prædeceſſoribus noſtris in capite tenuerunt, et eorum heredes, dicto Thomæ, et heredibus ſuis predictis, homagia, fidelitates, ſectas curiæ, et omnia alia ſervitia faciant, et baronias et tenementa ſua de ipſo, et heredibus ſuis prædictis de cetero teneant: ſalvis tamen baronibus & libere tenentibus predictis ac eorum heredibus juribus et libertatibus, eaſdem libertates, curiarum ſuarum hactenus juſte uſitatis. Volumus inſuper et concedimus quod burgi, et burgenſes, ſui de Elgyn de Fores, et de Inwyrnarne, eaſdem libertates habeant, et exerceant quas tempore Domini Alexandri Regis Scotiæ, prædicti, et noſtro habuerunt; hoc ſolùm ſalvo, quod de nobis tenebant ſine medio, & nunc de eodem Comite tenebant, cum iſſdem libertatibus. Salvo etiam nobis, et heredibus noſtris, in hac donatione noſtra, burgo noſtro, de Inwyrneſs, cum loco caſtelli, et terris ad dictum burgum pertinentibus, cum piſcatione aque de Niſs, et cum molendinis burgi ejuſdem cum ſequela dicti burgi, et terrarum ad ipſum burgum tantummodo pertinentium: et ſalvis nobis, et heredibus noſtris fidelitatibus epiſcoporum, abbatum, priorum, et aliorum prelatorum eccleſiæ Moravienſis, et advocatione ſeu jure patronatus eccleſiarum earundem, et eorum ſtatu, in omnibus quem habuerunt tempore regis Alexandri predicti, et aliorum prædeceſſorum noſtrorum Regum Scotiæ: excepto quod homines eorundem citati per nos ad defenſionem regni noſtri intendant vexillo, et ſequi teneantur vexillum dicti Thomæ Comitis, et heredum ſuorum prædictorum, una cum aliis qui vexillum Moraviæ ſequi ſolebant antiquitus: faciendo nobis, et heredibus noſtris, dictus Thomas, et heredes ſui

prædicti

prædicti pro dicto comitatu, ſervitium octo militum in exercitu noſtro, et Scoticanum ſervitium, et auxilium de ſingulis davacis debitum, et conſuetum tantummodo, ſine ſecta curiæ, ad quamcunque curiam noſtram facienda. In cujus rei teſtimonium, præſenti cartæ noſtræ ſigillum noſtrum præcepimus apponi. Teſtibus venerabilibus Patribus Willielmo Sancti Andræ, Willielmo Dunkeldenſi, Henrico Aberdinenſi, Dei gratia, Epiſcopis; Bernardo Abbate de Aberbrothock, Cancellario noſtro, Malcolmo Comite Levenax, Gilberto de Haya, Roberto de Keth, Mareſcallo Scotiæ, Alexandro Margus, et Henrico de Sancto Claro, militibus.

II.

Carta comitis de Stratherne.

REX, &c. Omnibus, &c. Sciatis quod Conceſſimus David Seneſcallo, Militi Comiti de Stratherne ſilio noſtro Cariſſimo, Comitatum de Stratherne, cum pertinen; Tenend; et Habend; Sibi & heredibus ſuis, in omnibus et per Omnia juxteo form; & tenorem carte, ſibi exinde Confecte, Cum additione ſubſcripta, quod ipſe, et heredes ſui, ipſum Comitatum habeant, et teneant, et poſſideant, perpetuo, in libera Regalitate, cum feodis et forisfacturis, & cum omnibus aliis libertatibus, Commoditatibus aſiamentis et Juſtis pertinen; quibuſcunque ad liberam Regalitatem pertinen; ſeu debent, ſecundum Regni leges et Conſuetudines pertinere; et adeo libere, et quiete, plenarie, integre, & honorifice in omnibus et per Omnia ſicut, quondam Maliſius, Comes de Stratherne, vela liquis alius Comes ejuſd; ipſum Comitatum, Cum pertinen; aliquo tempore, liberius, quietius plenarius, integrius et honorificentius juſte tenend; & poſſedit. Quare omnibus et ſingulis Comitatus predicti, ac aliis quorum intereſt, vel intereſſe poterit, Damus pro nobis et heredibus noſtris, tenore preſentium, in mandatis; quod dicto Comiti, et heredibus ſuis, in hiis que ad liberam Regalitatem pertinent, Reſpondeant prout ad ipſos, et ad ipſorum quem libet pertinet, faciant ab aliis futuris temporibus reſpondere. In Cujus Rei, &c. Teſtibus, &c. Apup Edinburgh decimo nono die, menſis Junii, Anno Regni noſtri primo. B. 4. No. 4.

That what is contained on this and the preceding page is a full copy of the Charter on Record in his Majeſty's general Regiſter Houſe, at Edinburgh, is atteſted by me, Keeper of theſe Records, the ſame being examined, collated, or compared at the Sight, and by the Aſſiſtance of Thomas Longland's Notary Publick.

(Signed) ALEXANDER ROBERTSON.

THOMAS LONGLANDS, Not. Pub.

III.

III.

Carta David Seneſcalli comitis de Straherne.

B. 1. No. 304. ROBERTUS, Dei Gratia Rex Scotorum, Omnibus probis hominibus, totius terre ſue, Clericis et Laicis, ſalutem: Sciatis quod Conceſſimus David Seneſcalli, Militi, filio noſtro, Cariſſimo Comitatum de Strathern cum pertinen; Tenend; et Habend; ſibi et heredibus ſuis, in Omnibus et per Omnia, juxta formam et tenorem Carte Sibi exinde Confecte, et adeo libere, quiete, plenarie, integre et honorifice, in omnibus, et per Omnia ſicut quondam Maliſius, Comes de ſtrathern vel aliquis alius Comes Ejuſdem ipſum Comitatum, Cum pertinen; aliquo tempore liberius, quietius, plenius, integrius, et honorificentius, juſte tenuit, ſeu poſſedit, Cum additione ſubſcripta, Quod ipſe & heredes ſui dictum Comitatum, ac omnes alias et ſingulas Terras, Tenandias et Tenementa, cum pertinen; que tenentur & tenebantur, antiquitus, de ipſo Comitatu ubicunq; infra regnum noſtrum habeant, teneant et poſſideant, perpetuo in libera Regalitate, cum feodis et forisfacturis et cum placitis, quatuor punctorum Corone noſtre, et cum omnibus et ſingulis honoribus, libertatibus, Commoditatibus, ayſiamentis, et Juſtis pertinen; quibuſcunq; que ad veram Regalitatem pertinent, ſeu debent, ſecundum Regni Noſtri leges et Conſuetudines pertinere. Reddendo ipſe David, & heredes ſui, nobis et heredibus noſtris, de dicto Comitatu, Cum pertinen; unum par calcarium deauratorum, nomine albe firme, apud Dulye ad feſtum nativitatis beati Joannis Bapt; annuatim, ſi petatur tantum, pro warda relevio maritagio, ac omnibus aliis et Singulis Servitiis, Secularibus, exactionibus, ſeu demanda que de dicto Comitatu exigi poterint aut requiri, Quare omnibus et ſingulis Comitatus predicti, ac aliis & ſingulis, quorum intereſt, vel intereſſe poterit, Damus pro nobis, et heredibus noſtris, tenore preſentium, in mandatis quod dicto Comiti, et heredibus ſuis, in hijs que ad liberam regalitatem pertinent, Reſpondeant, et prout ad ipſos & ipſorum quemlibet pertinet, faciant ab aliis futuris temporibus Reſpondere: In Cujus rei teſtimonium, preſenti Carte noſtre ſigillum noſtrum apponi precipimus. Teſtibus ven. ut ſibi Eccleſiarum Epiſcopis Joanne, primogenito noſtro, Comite de Carryk Sen. Scotie, Roberto Comite de Fiff, et de Meneteth, Alexandro Seneſcalli, filiis noſtris Cariſſimis Willielmo, Comite de Douglas, Joanne de Carryk, Cannonico Glaſguen. Cancellario noſtro, Roberto de Erſkyne, et Hugone de Elgyntoun, militibus Conſanguineis noſtris. Apud Methuen decimo nono die menſis Octobris, Anno Regni noſtri ſecundo.

That what is wrote on this and the two preceding pages, is a full copy of the Charter on Record in his Majeſty's general Regiſter Houſe, at Edinburgh, is atteſted by me, Keeper of theſe Records, the ſame being examined, collated or compared at the Sight, and by the Aſſiſtance of John Seton, Notary Publick.

Signed

ALEX. ROBERTSON.

JOHN SETON, Not. Pub.

APPENDIX

APPENDIX X.

Band, be James Earle of Douglas, to Rob. 3, 1402.

I James Earle of Douglas, obliges me be thir my letters written with my hand and by the faith of my body yt foraſmikle as my ſoveragnie lord hes promittit to me, be his lettres written with his hand, to give me lawfull entrie and poſeſſione unto the earldome of Wigtone and the lands of Stewartowne with the pertinents betwixt this and peace nixt to come in the nixt gnall councell, as his ſaid letter more fullie proports: I bind me to my ſaid ſoviragnie Lord be the faith of my body, as aforſaid, the holy evangili tawcht that I ſall als ſone as thir thing forſaide, contained in my ſaid ſoviragnie Lord's letter, not fullfilled to me, that I ſhall incontinint in the ſaide nixt gnall councell be myſelf, or my procurators, having full and plaine power yrto, of me, under my ſeale and ſubſcriptione of my body, bound to my ſaid ſoviragnie Lord, my manrent and my ſervice, in the beſt and moſt ſure forme that can be ſeen to my ſaid ſoviragnie Lord, but inconvenient for all the days of my life, before and againe all them, yt tofore do me, and that I ſhall now wyttin privie na inport, be na manner of way harme, deed nor evil to my ſaid ſoviragnie Lord's perſonne, but that I ſall lett that and keep him tharfrae, and warne him thereof incontinent, and that I ſhall give over all ligis and bands made betwixt me and any perſone, L of what eſtate or natione, that ever they be for evermor, if any be made conterar to my ſoviragnie Lord, na, I ſall never make nane in tyme to come; the which ſall be conterar to his highneſs or his realme, be no manner of way; and that I ſhall be with him at all my power, and take pairt with him formally againſt all his enamies and rebells, being within his realme, at all tymes, and in tyme of peace keep his treuces within his bounds belongand me, and in tyme of wear defend them as effeirs: And that I ſhall aſſiſt, to my ſaide ſoviragnie Lord, with all my power, in the reſigning of his heritage, rents and poſſeſſiones diſponit. or analiat. fra the croune in all places, ſaving ſick gifts and ſickernes given be him to my brother, whom God aſſolze and me in ony thing by gone at all their conditions beforewritten, ſall be lelie and troulie kept but fraud and guile: I having given the bodily oath the evangell taucht, and to the mair witneſſing, I have ſett my ſeale, at Lanerk, the 16th day of Janry, in the year of our Lord, jai iiij and twa.

APPENDIX XI.

I.

Carta Domini Thomi Biſſet.

Great ſeal B. 1. No. 62. DAVID, Dei Gratia Rex Scotorum, omnibus probis hominibus totius Terre ſue Clericis, et laicis, ſalutem; Sciatis nos dediſſe, &c. dilecto et fideli noſtro Thome Biſet Militi, *totum comitatum noſtrum de Fif*, cum pertinen. Tenend. et Habend. eid. Thome et Heredibus ſuis Maſculis, inter ipſum et Yſabellam de Fif legittime procreand. de nobis et heredibus noſtris in feodo & hereditate, per omnes rectas metas et diviſas ſuas, cum omnibus libertatibus commoditatibus, &c. Quibus heredibus maſculis interdict. Thomam et Yſabellam forte deficientibus, volumus quod totus predictus Comitatus, cum pertinen. ad nos et heredes noſtros libere revertatur, Faciendo inde ſervitium debitum et conſuetum; in cujus Rei, &c. Teſtibus, &c. Apud Edinburgh, 8vo. Junii, Anno Regni noſtri 34to.

That the above is a full and correct copy of a Charter on Record in his Majeſty's general Regiſter Houſe, at Edinburgh, is atteſted by me, Keeper of theſe Records, the ſame being examined, collated, or compared at the Sight, and by the Aſſiſtance of Thomas Longlands Notary Publick.

(Signed) ALEXANDER ROBERTSON.

THOMAS LONGLANDS, Not. Pub.

II.

Great ſeal B. 1. No. 125. DAVID, Dei Gratia, Rex Scotorum, &c. omnibus, &c. Sciatis nos quoddam ſcriptum Thome Byſſet Militis, non raſum, non abolitum, nec in aliqua ſui parte viciatum, vidiſſe diligenter et intellexiſſe, tenorem qui ſequitur continentum, omnibus hoc ſcriptum viſuris vel audituris, Thomas Byſet Dominus de Upſechynton ſalutem in Domino ſempiternam, noveritis, nos dotaſſe Yſabellam de

de Fif Dominam ejuſd; ante Matrimonium inter me, et ipſam, in faciæ Eccleſiæ Celebrat. in tota Baronia mea de Glaſclune, cum pertinentiis infra vicecomitatum de Perth, et in tota parte mea de Terris de et Slamanane infra vice, &c. de Srivelyne et intra mea de Enchyldrayre, cum pertinen. infra vice, &c. de Fyf, Tenend. et Habend. dicte Yſabelle pro tempore vite ſue, adeo libere et quiete plene et pacifice et honorifice de me et heredibus meis, ſicut alica Terra in dotatione de aliquo Barone infra Regnum Scotie liberius quietius plenius et honorificentius tenetur aut poſſidetur, Faciendo inde Domino noſtro Regi ſervicium debitum et Conſuetum, Ego vero Thomas predictus et heredes mei dictas Terras predicte Yſabelle ſicut in dote factas et conceſſas contra omnes homines pro toto tempore vite dicte Yſabelle warantizabimus et defendemus; In cujus rei Teſtimonium, preſenti ſcripto ſigillum meum eſt appenſum; apud ſanctum Andream, decimo die menſis Januarii, Anno Domini 1362; Hiis Teſtibus venerabilibus in Chriſto patribus, Dominis Willielmo Johanne et patricio permiſſione Divina Sancti Andree Dunkeldenſ; et Brichenen. Epiſcopis, Domino R. Seneſcallo Scotie et Comite de Stratherne, P. Comite de Marchia et de Moravia, Dominis R. de Erſkyne, W. de Diſchyngtoun, Andrea de Valonis, & Johanne de Kyndelock Militibus, Michaelle de Belfour, David de Berclay, et multis aliis, Quodquid ſcriptum, &c. approbamus ratificamus, et predicte Yſabelle, pro toto tempore vite ſue, confirmamus, ſalvo ſervitio noſtro: In cujus rei, &c. Teſtibus, &c. Apud Perth, Septimo decimo die Aprillis, Anno Regni noſtri 36to.

That what is wrote on this and the preceding page, is a full and correct copy of the Charter on Record in his Majeſty's general Regiſter Houſe, at Edinburgh, is atteſted by me, Keeper of theſe Records, the ſame being examined, collated or compared at the Sight, and by the Aſſiſtance of Thomas Longlands, Notary Publick.

Signed

ALEX. ROBERTSON.

THOMAS LONGLANDS, N.

APPENDIX

APPENDIX XII.

Litera Jacobi Arranie Comitis.

B. 35. No. 454. JACOBUS, Dei Gratia Rex Scotorum, Omnibus probis hominibus ſuis ad quos preſentes litere pervenerint, ſalutem; ſciatis, Quia, cum aviſamento Dominorum noſtri Secreti Conſilii, pro bono fideli & Gratuito Servitio nobis per predilectum noſtrum Conſanguineum & Conſiliarum, Jacobum Stewart de Bothwellmure noſtrique ſecreti Concilii Dominum impenſe, proque aliis magnis & Gravibus Conſiderationibus nos moventibus, Rativicavimus approbavimus, et pro nobis & noſtris ſucceſſoribus, pro perpetuo, Confirmavimus. Cartam & Infeofamentum fact. prefato predilecto noſtro Conſanguineo & Conſiliario, et heredibus Suis maſculis de Corpore ſuo legittime procreatis, ſeu procreandis; Quibus deficien. nobis et noſtris ſucceſſoribus libere reverſur. De toto et integro Comitatu de Arrane, Et de Omnibus et Singulis Aliis Baroniis et Terris Specificatis in antedicto infeofamenro, de data viceſſimo Secundo Aprilis, Anno Domini milleſimo quingenteſimo octuageſimo primo, Volentes Autem, et Serio cupientes, quod honos prefati noſtri Conſanguinei et Conſiliarii in ſui gratuiti ſervitii memoriam noſtro merito interreſſet et augebitur, non tantum ad Contentationem et Commodum preſcripti noſtri Conſanguinei et Conſiliarii, qui tam bene a nobis eundem meritus eſt, ſed ut aliis hujuſmodi conditionis temporibus futuris fideliter ſerviendi occaſionem prebemus; Et Quemadmodum Comitatus Terre Dominia antedicta in prefato Infeofamento Contenta alias Supraſcripto predilecto noſtro Conſanguineo et Conſiliario per prefatas Cartam et Infeodationem diſpoſita Sunt, Sic volumus, quod ille eiſd. guadeat, cum Omnibus honoribus dignitatibus et preeminentiis, quibus ſui predeceſſores dictorum Comitatus Dominiorum Terrarum et Barroniarum perprius gaviſi erant; Et ideo, cum Conſenſu et aſſenſu predict. de novo Ratificavimus et approbavimus, tenoreque preſentinm Ratificamus, et approbamus antiquam Erectionem et Creationem dicti Comitatus de Arrane, Domiinorum de Avane, et Hamiltoun, cum Omnibus Terris et Baroniis eiſdem petinen. prout per preſentes de novo erigimus et Creamus dictas terras in Comitatum et Dominia antedict. Et Creavimus et Conſtituimus quemadmodum nunc Creamus et Conſtituimus memoratum predilectum noſtrum Conſanguineum et Conſiliarium, et ejus heredes Maſculos de Suo Corpore legittime procreatos, ſeu procreandos, Comites de Arrane, Dominos de Avane et Hamiltoun, Et Ordinamus prefatum predilectum noſtrum Conſanguineum et Conſiliarium, et ejus heredes maſculos de Corpore Suo legittime procreatos,

procreatos, ſeu procreandos, intitulari vocari et nuncupari Comites de Arrane, Dominos de Avane et Hamiltoun, ac Judicare et Cenſuram habere in Parliamentis generalibus Conſiliis Conventionibus aliiſq; Synodis, Ita ut quilibet alius Comes, ſeu Parliamenti Dominus habuit, ſeu habere proteſt infra noſtrum Regnum, Et Sigilanter eundem locum ſeriem ordinem et gradus, quos Comites de Arrane, et Domini de Hamiltoun, quovis tempore preterito habuerint; Et quod dictus noſter predilectus Conſanguineus et Conſiliarius et ejus heredes maſculi de Corpore Suo legittime procreati, ſeu procreandi, omnibus temporibus futuris, guadebunt, habebunt, et poſſidebunt omnes Dignitates Honores et preeminentias ad Comitem et Parliamenti Dominum pertinen. et Specialiter in loco et gradu quem Comes de Arrane, perprius occupavit, non obſtante quod nunc in Comitem creatus eſt, ac etiam in verbo regio promittimus, quod hec preſens Creatio et Conſtitutio in perſona dicti predilecti noſtri Conſanguinei et Conſiliarii, cum Omnibus Solemnitatibus requiſitus erit, Sine mora perfecta et Completa, Quare Ordinamus ejus nomen ſtilum titulum inſignia et dicterium in Inſigniorum libro inſeri, et Regiſtrari in ea Serie et loco in quo Comes de Arrane perprius locutus erat; Preterea declaramus quod hujuſmodi Comitatus Dominia et Barronie antedicta in preſcripta Carta et Infeofamento fact. prefato predilecto noſtro Conſanguineo et Conſiliario content. dibite in manibus noſtris fuerint, per Reſignationem factam Ante preſcripte Carte et Infeofamenti datam; Et Quod nos poteſtatem deſuper Deſponendi habuimus; Et quod eadem antedicto predilecto noſtro Conſanguineo et Conſiliario, ob rationabiliſſimas cauſas, nos ad id moventes, diſpoſuimus premiſſa omniaque et Singula Puncta et Capita eorund. Nos cum aviſamento et Conſenſu antedict. in verbo regio ratificari approbari, et in preſenti noſtro Parliamento de novo concedi, cum extenſione Omnium clauſularum neceſſariarum promittimus; In Cujus rei Teſtimonium, preſentibus Magnum Sigillum noſtrum apponi precepimus; Apud Palatium noſtrum de Halyrudehouſe, viceſimo octavo die menſis Octobris, Anno Domini Milleſimo quingenteſimo Octuageſimo Primo, ac Regni noſtri decimo quinto.

That what is wrote on this and the three preceeding pages, is a full and correct copy of a Charter on Record in his Majeſties General Regiſter Houſe, at Edinburgh, is atteſted by me, Keeper of theſe Records, the ſame being examined, collated, or compared at the Sight, and by the Aſſiſtance of Thomas Longlands Notary Publick

(Signed) ALEXANDER ROBERTSON.

THOMAS LONGLANDS, Not. Pub.

APPENDIX XIII.

I.

Carta Joannis Domini Maxwell.

B. 35. No. 398. JACOBUS, &c. Dediſſe &c. noſtro Conſanguineo Joanni, Domino Maxwell, heredibus Suis Maſculis, et Aſſignatis quibuſcunque, Omnes, et Singulas Terras, Baronias, Comitatum Regalitatem, annuos redditus et alias rexive Subſcript. viz. Omnes et ſingulas Terras Comitatum, Baroniam, et Regalitatem de Mortoun, cum Caſtra, &c. Apud Halyruidhouſe 5to. die menſis Junii anno Domini 1581mo. et Anno Regni noſtri 14to.

II.

Carta, Con Joannis Comitis de Morton Domini Maxwell.

B. 35. No. 461. JACOBUS, &c. Sciatis &c. nos, cum aviſamento et Conſenſu trium noſtri regni Statuum, in Parliamento noſtro convenientium, quandam Cartam per nos cum Conſenſu Dominorum noſtri Secreti Conſilii factam, predilecto noſtro Conſanguineo et Conſiliario, Joanni Comiti de Mortoun, Domino Maxwell &c. heredibus ſuis Maſculis et Aſſignatis quibuſcunq; De Omnibus et ſingulis Terris, Barronia, Comitatu et Regalitate, et aliis rexive Subtus Specificat. viz. De Totis et integris Terris, Baronia, Comitatu et Regalitate de Mortoun &c. 5to. Junii 1581mo. Quamquid Cartam &c. Confirmamus &c. Apud Halierudhouſe 9no. die Menſis Novembris Anno Domini 1581,mo. et Regni noſtri 15to.

III.

III.

Litera con. Roberti Domini Maxwell Comitem de Nithiſdaill.

JACOBUS, Dei Gratia, Magne Brittanie, Francie, et Hybernie Rex &c. fideique Defenſor, Omnibus probis hominibus Suis, ad quos preſentes Litere pervenerint, Salutem: Sciatis quando quidem, ex noſtrâ Regiâ Clementiâ nobis placuit, vigeſimo nono die menſis Octobris, Anno Domini Milleſimo quingenteſimo Octuageſimo primo, Quondam predilectum noſtrum, Conſanguineum et Conſiliarium, Joannem Dominum Maxwell, patrem predilecti noſtri Conſanguinei Roberti, nunc Domini Maxwell, Comitem De Mortoun, Creare: ac Conſiderantes reſtitutionem Comitis de Mortoun Douglaſs, in priſtinam Suam dignitatem nullo modo prejuditio eſſe dicto Domino Maxwell, de illa dignitate, dicto quond. ſuo patri, per nos Largita una alteram, nullo modo impediento: ea ratione quod dictus Dominus Maxwell Suam dignitatem Creatione, et non Crimine Leſe Majeſtatis obtinuit, Nobis igitur, ex noſtra Regia benignitate, placet eandem dignitatem, a data dicte creationis, quam dicto quondam predilecto noſtro Conſanguineo Joanni Domino Maxwell, die Annoq; predict. Largiti ſumus, pro nunc, et imperpetuum, in prefatum predilectum noſtrum Conſanguin. Robertum nunc Dominum Maxwell, ejus filium Suoſque heredes maſculos, continuare: Et quum nobis Semper Cure fuit diſſidia inter noſtros ſubdites amovere, ac in memoriam recolentes Diuturnum odium inter familias de Mortoun et Maxwell habitum, nec etiam nobis in noſtris Regnis conſuetum eſſe Duos Comites uno eodemq; titulo ornare, Nos igitur ex autoritate noſtra Regali illum titulum quem in dictum quondam Dominum Maxwell Contulimus, nunc mutamus. In quantum titulum Comitis de Mortoun, tantummodo geſſit, ſic quod ubi dictus quondam Dominus Maxwell, Dominus Joannes Maxwell de Moirnis Dominus Maxwell Eſkdaill et Cairleill et Comes de Mortoun deſignabatur: nunc Decernimus et Ordinamus quod titulus dicti predilecti noſtri Conſanguinei Roberti, nunc Domini Maxwell, erit Robertus Dominus Maxwell Dominus Eſkdaill et Cairleill ac Comes de Neithisdail, Abſq; tamen prejudicio dicto Domino Maxwell, nunc Comiti de Nithiſdail de antiquitate dignitatis dicto quondam Suo Patri Conceſſ. quam tenore preſentium in eum Suoſq. heredes maſculos ut dictum eſt Continuamus et Confirmamus, neq; putabitur, aut ſupponetur quod mutatio dicti tituli, ullam novam Creationem efficiat, Sed e Contrario dignitatem prius conceſſ. Corroboravit, et confirmavit; volumus etiam, et mandamus, Quod datum Creationis dicti Domini Maxwell, in Comitem Dicto Vigeſimo nono die menſis Octobris Anno Domini Milleſimo quingentiſimo Octuageſimo primo, Computabitur, et Sic Omni Tempore affuturo, durabit Haſq. noſtras Literas in ampliſſima forma (ſi opus fuerit) publicari Ordinamus. In Cujus rei Teſtimonium, preſentibus Magnum Sigillum noſtrum apponi precepimus, Apud Fernchame vigeſimo nono die Menſis Auguſti Anno Domini Milleſimo Sexcenteſimo vigeſimo Regnorumq; noſtrorum annis quinqua-

{B. 49. No. 290. Litere

quinquageſimo quarto, et Decimo Octavo, Per Signaturum Manu S. D. N. Regis Supra Scriptam ac Manibus.

That what is wrote on this and the two preceding pages, is a full copy taken from the Records in his Majeſty's general Regiſter Houſe, at Edinburgh, is atteſted by me, Keeper of theſe Records, the ſame being examined, collated or compared at the Sight, and by the Aſſiſtance of Thomas Longlands, Notary Publick.

(Signed)

ALEX. ROBERTSON.

THOMAS LONGLANDS, N. Pub.

APPENDIX XIV.

Carta Edwardi de Brus.

ROBERTUS, &c. Sciatis nos dediſſe, Conceſſiſſe, et hac preſenti Carta noſtra Confirmaſſe, Edwardo de Bruyes, Militi, dilecto fratri noſtro, pro homagio et Servitio Suo, Totum Comitatum de Carrick, per Omnes rectas metas et diviſas Suas, Tenend. et habend. dicto Edwardo, et heredibus Suis maſculis, de Corpore Suo, et heredum Suorum Maſculorum exeuntibus, et tantummodo per lineam directam et maſculinam deſcendentibus, niſi in Caſu in quo plures fuerint fratres Germani Superſtites; in quo Caſu, decedente primogenito, vel deficiente ſine heredibus maſculis, de corpore ſuo procreatis, ſecundus genitus, in dictum Comitatum, hereditarie eidem ſuccedat et ſic de aliis, et eorum heredibus, de nobis et heredibus noſtris, in feodo et hereditate, *Cum Nomine Jure et Dignitate Comitis*, et Cum Omnibus aliis libertatibus, Commodatibus, ayſiamentis et Juſtis pertinentiis, ad dictum Cornitatum Spectantibus, vel quoquommodo Spectare valentibus adeo libere, et quiete, plenarie, et honorifice ſicut dictus Comitatus tempore bone memorie Domini Alexri, Regis Scotie, predeceſſoris noſtri, ultimo defuncti, liberius, quietius, plenius, et honorificentius, teneri ſolebat per quemcunque. Faciendo nobis et heredibus noſtris ipſe Edwardus, et heredes ſui predicti ſervitium tempore dicti Domini Alexri. Regis, de dicto Comitatu debitum et conſuetum. Et ſi in ſucceſſione heredum predictorum, modo ſupra declarato, quod abſit, Contingat deficere volumus, quod dictus Comitatus, ad nos et heredes noſtros, libere et integre, ac ſine aliqua diminutione, revertatur in Cujus rei, &c. { B. 1. No. 45.

That what is wrote on this and the preceding page is a full and correct copy of a Charter on Record in his Majeſty's General Regiſter Houſe at Edinburgh, is atteſted by me, Keeper of theſe Records, the ſame being examined, collated, or compared, at the Sight, and by the Aſſiſtance of Thomas Longlands Notary Public.

Signed ALEX. ROBERTSON.

THOMAS LONGLANDS, Not. Pub.

APPENDIX XV.

I.

Adv. Library W. 4, 5.

OMNIBUS Chriſti, fidelibus hoc preſens Scriptum viſuris vel audituris Walterus Seneſcallus Comes de Menthet ſalutem in dno Sempiternam Noverit univerſitas veſtra me, &c.

Hiis teſtibus dnis Fynleio de Stragrif, Johanne de Irſchyn militibus; Dufgallo filio Sewen; Murchardo filio Malcmur; Johanne Portar, Dunſlene fratre Murchardi, Reginaldo clerico, & aliis multis. Dat. apud parcum de Irſchyn, die Jovis proxima poſt feſtum Sancti Illarее, Anno gratie Milleſimo ducenteſimo, ſexageſimo ſecundo.

II.

Sir Robert Sibbalds Collections concerning Scotland, Part ſecond, entitled, Hiſtory ancient and modern of the Sheriffdoms of Fyſe and Kinroſs, &c. Edinburgh Edition, 1739, p. 97, has the following paſſage.

THERE is an Indenture (the copy of which I have) betwixt Robert Sineſcall, Earl of Menteeth, and Izabell Counteſs of Fyfe, of the date of the penult day of March 1371; by which it appears that the ſaid Counteſs Izabell, doth acknowledge the ſaid Earl to be her lawful heir apparent, as well by the Tailzie made by Umquhill Duncan, Earl of Fyfe, her father to Allan Earl of Menteith, the Grandfather of the Lady Margaret, the Spouſe of the ſaid Robert, now Earl, as by the Tailzie, made by the Lady Iſabell, herſelf, and her Umquhill huſband Walter Sineſcall, the ſon of the ſaid Robert, Earl of Menteeth, to the foreſaid Earl, by which, upon the ſaid Earl's aſſiſting her in the recovery of her earldom, which ſhe by force and fear had otherwiſe reſigned; and that when the ſaid earldom is recovered, and the Counteſs has got poſſeſſion of it, ſhe ſhall preſently reſign it in the King's hand, to infeft the earl himſelf in it, who ſhall preſently receive ſaſine of the Feud of the ſaid earldom, with the leading and dominion of theſe of the ſaid earldom, their wards, reliefs, marriages, and eſcheats, and all elſe belonging to the Earl of Fyfe, or that ſhould pertain to him when they happen. The courts of the ſaid earldome, ſhall be holden by the Seneſcall, with the exites and contingents of the men dwelling in the lands, and ſhall receive from the Counteſs herſelf Ferms, and receive the Ferms from all the other tennants, and the ſaid Counteſs is to have all the days of her life, the free tenement of the lands of the ſaid earldom, except the third part, allotted to Mary, Counteſs of Fife, the mother of the ſaid Lady Iſobell, all the time of her life in aſſedation, and the raiſing of Ferms, with the harriages, and carriages, and other leſſer ſervices, due and cuſtomary, and the ſaid Earl

Earl, upon the death of Mary the Counteſs, ſhall have her whole third part. And it is agreed the ſaid earl ſhall have in his keeping the caſtle of Falkland, with the foreſt of it, and a conſtable ſhall be placed there by him, as he pleaſeth, and that the ſaid Counteſs may ſtay within the tower when ſhe pleaſeth, and the whole village of Falkland, over againſt the ſaid tower, ſhall be ſett in tack for ſuch a ferm to the ſame Earl, the day of the making the preſent indenture, ſo as when he comes he may have lodging and accommodation there, for him and his horſes, and not wrong the other lands of the Counteſs. To the performance of all which they, on both ſides, bound themſelves by their oath corporally, and for teſtimony of it, put to it the ſeals of the forefaid Earl and Counteſs, with the ſeal and ſubſcription of the notary ſubſcribing, dated the ſaid place, day and year aforeſaid.

III.

OMNIBUS hanc cartam viſuris vel audituris, Robertus Seneſcallus Scocie, Salutem: Sciatis nos, ob reverenciam dni noſtri Ihn. Xi. beatiſſime Virginis Marie beati Jacobi, Sancti Mirini ac omnium Sanctorum & pro ſalute anime noſtre anteceſſorum et ſucceſſorum noſtrorum, Ratificaſſe approbaſſe et imperpetuum confirmaſſe Religioſis viris Abbati et conventui Monaſterii de Paſleto ibidem Deo ſervientibus, et imperpetuum ſervituris in inviolabilem puram et perpetuam elemoſinam, omnes donationes conceſſiones, confirmationes, et infeodationes quas anteceſſores noſtri eiſdem Religioſis viris caritative contulerunt; Et ut voluntatis noſtre lucidius illuceſcat intentio ac brachii violenti ſecularis in perſequendo ac cartas eorundem virorum Religioſorum ſiniſtre eventu exponendo tempora non diſtinguendo deſiſtat et taleſcat prenominatis viris Religioſis in puram et perpetuam elemoſinam iterando concedimus et donamus videlicet totales terras de Aldhus, de Arcſton, de Inſula Monachorum, inter Kert & Crief de Fulton, de Drumgrane, de Graynis de Achingown Monachorum terram inter Aldpatrick et Eſpedire, ſicut Aldpatrik deſcendit in Kertlochwynok et Eſpedire deſcendit in terram monachorum jacentem inter le Blaklyn et Kert, de paſſeleto, terram de Dalmulyn, Kyrklandholme et terram de Munkton, una cum duabus celdris farrine de tenemento de Ingleſton. dimidiam marcam argenti de Porterfelde juxta Rynfru, liberum ſervicium Wardam et relevium de Ingleſton, tres marcas annui redditus de Adanton, cum omnibus libertatibus, commoditatibus, ayſiamentis, et juſtis pertinenciis, tam non nominatis, quam nominatis, tam ſub terra quam ſupra terram, in omnibus et per omnia ad dictas terras cum pertinenciis ſpectantibus, et annuos redditus infra videlicet Baronias noſtras de Reynfru et de Kyle, cum libertate libere Baronie abſque retinemento pacifice poſſidendas eoſdem eciam viros religioſos ex gratie noſtre ferventis habundantia ab omnibus ſerviciis ſecularibus auxiliis exercitibus captionibus impoſicionibus fictis curie exactionibus conſuetudinibus ac demandis quibuſcunque exemimus eruimus liberamus. In cujus rei teſtimonium ſigillum noſtrum preſentibus eſt appenſum. Apud Cluny vigeſimo die menſis Julii, Anno Domini Milleſimo trecenteſimo ſexageſimo primo, Teſtibus Johanne Seneſcallo dno de Kyle, primogenito noſtro Waltero Seneſcallo *dilecto filio noſtro dno de Fyff*, Johanne de Roſs, Stephano de Roſs, Willielmo de Lindſay, Johanne de Balcaſtry, et multis aliis.

{ Adv. Library, W. 4, 5.

IV.

IV.

Joannis de Fordun Scotichronicon Lib. 14. Cap. 27.

CUNCTIS pateat evidenter, quod ego Robertus, Seneſcallus Scotie, comes de Strathern decimo quarto die menſis Maii, A. D. Milleſimo trecenteſimo ſexageſimo tertio, apud Inchemurdach, in preſentia venerabilium in Chriſto patrum, dominorum dei Gratia Willelmi epiſcopi S. Andræ, Patricii Epiſcopii Brenchenenſis Cancellarii Scotiæ, Johannis abbatis de Dunfermelyn, Magiſtr Walteri de Wardlaw, archidiaconi Laudonicæ domini noſtri regis Secretarii, Magiſtri Gilberti Armeſtrang prepoſiti Sancti Andreæ Dominorum Roberti de Erſkyn, Camerarii Scotiæ, Archibaldi de Douglas, Roberte de Ramſay Thomæ de Fauſide militum Normanni de Leſlie Alexandri de Lindſay et plurium alio rum, Corporale ſuper ſancta dei evangelia preſtiti Juramentum, quod fidelis ero, pro toto tempore vitæ meæ, domino meo Domino David, Dei Gratia regi Scotorum illuſtri, in omnibus cauſis motis, ſeu movendis; ipſum Dominum meum et ſuos Miniſtros ac fideles, quoſcunque viz quos ipſe dominus meus rex ſuos fideles dicere voluerit et vocare pro totis omnibus meis Contra omnes viventes Cujuſcunque Conditionis ſeu ſtatus exſtiterint Juvabo defendam manutenebo et ſuſtinebo; non obſtantibus quibuſcunque obligationibus, ligamentis, vel Juramentis per me factis, et exhibitis patricio Comiti Marchiæ et Moraviæ, Willelmo comiti de Douglas, Johanni Seneſcallo de Kyle et Roberto Seneſcallo de Menoteth, filiis meis, ſeu quibuſcunque aliis expreſſe et omnino Renunciavi, et imperpetùum renuncio; per preſentes Obligans me, et promittens per Juramentum meum predictum, quod de cetero nullum obligationem legamentum vel Juramentum cum ipſis, vel ipſorum aliquo, aut cum quocunque aut quibuſcunque faciam niſi prius ſcire fecero dictum Dominum meum regem, et ipſius licentiam et voluntatem ſuper hæc petiero et obtinuero Specialem; nec contra dictum dominum meum regem vel ipſius miniſtrorum, ſeu fidelium, aliquem Conſilium, auxilium, favorem, vel defenſionem, clam vel palam, cuicunque, vel quibuſcunque impendam; ſed quandocunque et quotieſcunque ſcivero, vel audeiro, aliquos contra dictum Dominum meum Regem Rebelles exiſtere, aut ſibi Obtemperare, nolle ipſos pro totis viribus meis et potentia compeſcam puniam refrenabo et uſque ad condignam Satisfactionem ad voluntatem dicti domini mei regis diſtringam et Compellam. Et ad hoc Omnia et ſingula premiſſa firmiter et inviolabiliter facienda perimplenda ac obſervanda obligavi me, et obligo per preſentes ſub pena exheredationis omnium terrarum mearum reddituum et poſſeſſionum ac ſubpena amiſſionis omnis juris Succeſſionis Regni Scotiæ et quorumcunque aliorum Dominiorum, ſeu terrarum que mihi Competit quocunque Jure, titulo, vel ordinatione, vel Contingere poterit in futurum, ſine ulla Spe Gratiæ, vel favoris obtinandæ; et ſub pæna perjurii dehonorationi Reprobationis, et defactionis militis et armorum. In cujus rei Teſtimonium præſentibus ſigillum meum eſt appenſum, Anno, die, et loco Supradictis.

V.

V.

Carta Regis Roberti conceſs. Roberto de Arſkin militi.

ROBERTUS Dei gracia Rex Scotorum Omnibus probis hominibus tocius terre ſue Salutem. Cum dudum tempore clare memorie dni Avunculi et Predeceſſoris nri Domini, David Illuſtris regis Scocie, Nos adtunc Seneſcallus Scotie et comites Stratherne, dederimus, & conceſſimus hereditarie, Roberto de Erſkin militi dilecto conſanguineo nro terras nras de Neſbitt & de Edinhame cum pertinen. per cartam nram tenoris et continencie qui ſequuntur. Omnibus hanc cartam viſuris vel audituris, Robertus Seneſcallus Scocie, et Comes de Statherne, ſalutem in dno ſempiternam noverit Univerſitas vra, nos dediſſe conceſſiſſe et hac preſenti carta nra. confirmaſſe dilecto & fideli nro. Domino Roberto de Erſkin militi, & dne Criſtiane de Ketht, Sponſe ſue, & eorum diucius viventi omnes terras noſtras de Neſbitt, et de Edinhame cum pertinen. infra vicecomitatum, de Roxburgh. Tenendas & habendas predictis Dno Roberto et dne Criſtiane Sponſe ſue et eorum diucius viventi ac heredibus maſculis inter ipſos procreatis ſeu procreandis quibus forſitan dibus ltmis et propinquioribus ipius dne Criſtiane de nobis et heredibus nris in feodo et hereditate per omnes rectas, metas et diviſas ſuas libere et quiete, plenarie et honorifice bene & in pace in boſcis, & planis, viis & ſemitis, moris, mareſiis et petariis, pratis paſcuis, et paſturis, aquis, ſtagnis & vivariis, molendinis, braſinis et aliis officiis cum eorum multuris et ſequelis, cum advocationibus Eccleſiarum et Hoſpitalium, ſi que fuerint cum tenandiis et ſerviciis liberetenencium cum bondis, bondagiis et nativis, ac eorum ſequelis, cum aucupacionibus, venatis et piſcat. et cum omnimodis aliis libertatibus, commoditatibus, et aiſiamentis tam non nominatis quam nominatis tam procul quam prope tam ſub terra quam ſupra terram ad predictas terras cum pertinen. ſpectan. ſeu Juſte ſpectare valentibus in futurum faciendo inde predicts dns. Robertus et dna Chriſtiana et eorum diucius vivens ac heredes ſui predicti forinſecum ſervicium dni. nri. Regis quantum pertinet ad predictas terras, et reddendo nobis et heredibus nris. annuatim unum denarium Argenti apud Neſbitt ad finem pontis ſi petatur nomine Albe firme tantum pro omnimodis aliis ſerviciis exactionibus conſuetudinibus, ſeu demandis que per nos, vel heredes nros, de predictis terris cum pertinen. exigi poterunt aliqualiter vel requiri: Et nos predict. Robertus Seneſcallus Scocie, et heredes nri. predictas terras de Neſbitt et de Edinhame cum pertinen. predict. dno. Roberto et domine Chriſtiane ſponſe ſue et eorum diucius viventi et ſuis heredibus prenotatis contra omnes homines et feminas warrantizabimus acquietabimus et imperpetuum defendemus. In cujus rei teſtimonium preſenti carte nre. ſigillum noſtrum eſt appenſum. Teſtibus venerabilibus in Chriſto Patribus Dominis Willielmo et Patricio Cancellario Scocie eccleſiarum Sanctiandr. & Brechinen. Dei Gratia Epiſcopis Reverendis et Religioſis viris. dnis Johanne Willielmo et Johanne de ling de Scona et Inſule miſſarum eadem gracia, Abbatibus Nobilibus viris Johanne Seneſcalli dno. de Kile primogenito noſtro, *Roberto Seneſcalli filio nro. dno. de Menteith* dnis. Thoma Biſſate, David de Graham, Archibaldo de Douglas, Hugone de Eglintoun, Johanne Seneſcalle fratre nro, David Flemyng et Thoma de Fawſyde militibus Johanne de Erth, Johanne de Ros Armigeris, Johanne Marcier & Johanne Gille burgen. de Perth, et multis aliis. Noveritis non ſuper hoc diligenti tractatu prehabito

{Adv. Library, A. 1. 38.}

cum predictis Roberto et Criſtiana nriq. in hac majori utilitate penſata dediſſe conceſſiſſe, & hac preſenti carta nra. confirmaſſe, eiſdem Roberto de Erſkin et Chriſtiana ſponſe ſue centum libras Sterlingorum, de firmis burgi de Abirdene nobis debitis annuatim, In excambium pro dicte Baronie de Edinhame cum pertinen. quam in manibus nris. dictus Robertus ſurſum reddidit ac pure et ſimpliciter reſignavit ac totum Jus, et clameum que in dicta Baronia de Edinhame habuit, ſeu habere poterit, in futurum pro ſe, et pro dicta Chriſtiana, ſponſa ſua, et pro eorum heredibus, omnino quiete clamavitim perpetuum. Tenendas habendas et percipiendas dictas centum libras annuatim eiſd. Roberto et Chriſtianæ et eorum, diucius viventi heredibuſque inter ipſos procreatis ſeu procreandis et ipſis forte deficientibus, veris et ltmis. heredibus prefate Chriſtiane in feodo et hereditate libere quiete, plenarie, et honorifice quoufque nos vel heredes nri, dictos Robertum et Chriſtianam et eorum heredes predictos de centum libratis terre infra partes inferiores Vicecomitatum de Abirdene de Kincardin de Forfare, de Perth de Fiffe, de Clakmannan, de Striveling, vel de Edinburgh, infeodavimus vel infeodaverunt hereditarie, ut ſupra in loco competenti ſub eiſdem forma effectu et conditione, ac per eaſdem libertatem, et warrontizationem, quibus idem Robertus et Chriſtiana et heredes ſui infeodati fuerunt in Baronia de Edinhame ſupradicta ut pr. per tenorem carte ſupraſcript Reddendo nobis et heredibus nris. annuatim prefati Robertus et Chriſtiana, et eorum diucius vivens et heredes ſui ſupradicte de prefatis, centum libris annuis de firmis dicti Burgi de Abi

percipiendis unum denarium argenti tantum, apud Aberdine ad finem pon. nomine Albe firme prout ſolummodo ſecundum tenorem carte predicte pro Baronia de Edinhame reddere tenebantur: Et nos eciam exhabundanti et heredes nri. prefatas centum libras annuas percipiendas ut ſupra prefatis Roberto et Chriſtiane, et eorum diucius viventi, ac eorum heredibus ſupradictis warrantizabimus acquietabimus, & imperpetuum defendemus, ſecundum quod prefatam Baroniam de Edinhame, per eandem, priorem cartam nram, ſupradictam facere tenebamur; Conceſſimus eciam eiſdem Roberto et Chriſtiane et heredibus ſuis, in caſu quo ballivi dicti burgi nri. de Abirdine ipſis Roberto et Chriſtiane aut ſuis heredibus predictis promptam ſolucionem, annuatim de dictis centum libris ad terminos ſupradictos non fecerunt, ut licitum ſit ipſis Roberto et Chriſtiane, et heredibus ſuis predictis ipſe vel ipſis, viz. cujus vel quorum tunc intererit, diſtringere et namare dictum burgum, pro ipſa pecunia tunc deficiente eodem modo quo diſtringerent ſeu namarent terram ſuam propriam pro firma ſua ſine licencia nri. cujuſcunque miniſtri. In cujus rei teſtimonium preſenti carte nre. nrm. precimus apponi ſigillum, Teſtibus venerabilibus patribus Willielmo Sanctiandr. Michaele Dunkelden. Alexandro Abirdonen. Alexandro Moravien, Patricio Brechinen. Alexandro Roſſen Malcolmo Cathanen. Dei gracia Eccleſiarum Epiſcopis; primogenito nro. Johanne Comite de Carrik Seneſcallo Scocie *Roberto Comite de Fiffe & de Menteth Alexandro dno. de Badzenach* David Comite de Strathern filiis nris. chariſſimis Willmo. de Douglas Georgio de Dunbar Matthio Johanne de Dunbar Moravie Comitibus; dilectis conſanguineis nris. Johanne de Carrik Canonico Glaſguen. Cancellario nro. Waltero de Bigar, Rectore Eccleſie de Eroll. Camerario nro, Jacobo de Lindeſay nepote nro, Archibaldo de Douglas Willmo. de Keith Mariſcallis nro. Scocie, Hugone de Eglintoun, et Dunecano Walais militibus parliamento nro. Tento apud Sconam die tercio Menſis Aprilis Anno Regni nri. tercio.

APPENDIX

APPENDIX XVI.

I.

UNIVERSIS Sanctæ Matris Eccleſiæ filiis, ad quos præſentes literæ pervenerint, Alexander, permiſſione Divina, Eccleſiæ Morav. miniſter humilis ſalutem ſempiternam, noverit univerſitas veſtra, nos de conſilio et aſſenſu, Decani, et Capituli Eccleſiæ noſtræ predictæ, utilitate communi penſata, et habito, ſuper hoc prius diligenti tractatu, dediſſe, conceſſiſſe, et ad feodam firmam dimiſſe, magnifico, nobili, et potenti Domino, Alexandro Seneſcalli, Comiti Buchan, Domino de Roſs, et de Badenach, locum tenenti Domini noſtri Regis, ac Juſticiario, ex parte Borcali aquæ de Forth, pro ſuis multiplicibus beneficiis, &c. Dimidiam davacam terræ, &c. Advocates Library, A. 1. 40. fol. 98.

II.

CHRISTI nomine invocato, nos Alexander, et Alexander Dei Gracia Morav. et Roſſen. Eccleſiæ Epiſc. Dyoceſani partium ſubſcriptarum judiceſque ordinarii ſedantes, pro tribunale, et habentes præ oculis zelum Dei de peritorum conſilio, quibus hæc omnia communicavimus, auditis et intellectis, que utraque pars contra aliam proponere voluit, et attendo modo agendi, pronunciamus, decernimus, et declaramus, in hiis ſcriptis, Dominam Eufamiam Commiſſam Roſſiæ reſtituendam eſſe, Domino Alexandro Seneſcalli Comiti Buchanie, et Domino de Roſs, tanquam viro ſuo et marito; una cum poſſeſſionibus ſuis, et quantum de jure poſſumus, reſtituimus, tractandum maritali affectione, honeſte in lecto, et in menſa, in victu, et veſtitu, et aliis univerſis, ſecundam decentiam ſui Status maritalis, &c. Advocates Library, A. 1. 40. fol. 101.

III.

Original Charter in the Laigh Parliament Houſe.

ROBERTUS, Dux Albaniæ, Comes de Fife, et de Menteth, ac Regni Scotiæ Gubernator; omnibus probis hominibus, totus regni predicti, Clericis, et Laicis, ſalutem, Sciatis, nos dediſſe, conceſſiſſe, et hac præſenti carta noſtra confirmaſſe, cariſſime nepti noſtre Eufamie de Leſley, filie et heredi quond. Alexandri de Leſley Comitis de Roſſe, Totum et integrum, Comitatum de Roſſe, Totas et integras de Straglaſche Totas et integras terras ville de Narne, cum caſtro ejuſdem jacent. infra Vicecomitatum de Invernys, Totas et integras terras Baronie de Kincardin, cum pertinentiis, jacentes infra Vicecomitatum ejuſdem, ac totum jus et clameum Baronie de Fythkill, cum pertinentiis, infra Vicecomitatum de Fyfe. Qui que et quod fuerunt dicte Euphamie hereditarie; Et quem quas et quod eadem Eufamia non vi, aut metu, ducta nec errore lapſa, ſed mera et ſpontanea voluntate ſua, in ſua pura et integra virginitate, in præſentia venerabilium in Chriſto patrum, Domini Finlai Epiſcopi Dumblanen. et Patricii Abbatis de Cambuſkyneth, Joanne Steuart de Dundonalde, fratris noſtri naturalis, Willielmi de Erth, et Willielmi de Hamiltoun militum, Patricii de Abernethe nepotis noſtri, Joannes de Buſby Cancellarii Glaſguenſis, Joannis de Corntoun Vicarii de Strivelyne, et Archibaldi de Conyngham, ac multorum aliorum, in Caſtro de Strivelyne, die Mercurii duodecimo, die Menſis Junii ultima, preterit. in manus noſtras per fuſtum et baculum perſonaliter ſurſum reddidit, puraque ſimpliciter reſignavit, ac totum jus et clameum, que in dictis comitatu, terris, et caſtro, cum pertinentiis habuit, ſeu habere poterit, pro ſe, et heredibus ſuis omnino quiet. clamavit, imperpetuum Tenend. et Habend. totum et integrum predictum comitatum de Roſs, una cum omnibus et ſingulis prenominatis terris, cum pertinentiis, predicte Eufamie, et heredibus ſuis, de corpore ſuo legitime procreandis; quibus forte deficientibus, Joanni Steuart Comiti Buchanie, filio noſtro cariſſimo, et heredibus ſuis maſculis, de corpore ſuo legitime procreatis, ſeu procreandis; quibus forſan deficientibus, Roberto Steuart, fratri ſuo germano, et heredibus ſuis maſculis, de corpore ſuo legitime procreatis ſeu procreandis: Quibus forſitan deficientibus, Domino noſtro Regi, et heredibus ſuis Regibus Scotiæ, de Domino noſtro Rege, et heredibus ſuis, in feodo et hereditate, imperpetuum per omnes rectas metas ſuas, antiquas et diviſas in boſcis, planis, moris, mareſiis, viis, ſemitis, aquis, ſtagnis, pratis, paſcuis, et paſturis, molendinis, multuris, et eorum ſequelis, aucupationibus, venationibus, et piſcariis, petariis, turbariis, et carbonariis, cum curiis, eſchætis et curiarum exitibus, cum tenendiis et liberè tenentium ſervitiis, cum feodis et foris facturis, cum eccleſiarum et capellaniarum advocationibus, cum bondis, bondagiis nativis et eorum ſequelis, cum furca et foſſa, ſok, ſake, thole, theme, in ſang and theif, & out ſang and thief; Et cum omnibus aliis, et ſingulis libertatibus, commoditatibus, et aviſiamentis, ac juſtis pertinentiis quibuſcunque, ad predict. Comitatum, terras et caſtrum, cum pertinentiis ſpectantibus, ſeu juſte ſpectare valentibus, quomodo libet in futurum, adeo libere et quiete, plenarie, integre honorifice bene

et in pace, et in omnibus et per omnia, ſicut dicta Eufamia, aut predeceſſores ſui predict. Comitatum, terras et caſtram, cum pertinentiis, de Domino noſtro Rege, aut predeceſſoribus ſuis, ante dictam reſignationem, nobis inde factam liberius, tenuit, ſeu poſſedit, tenuerunt, ſeu poſſederunt; Faciendo inde Domino noſtro Regi, et heredibus ſuis, predicta Eufamia, et heredes ſui predicti: Quibus forte deficientibus, dictus Joannes Comes Buchanie, et heredes ſui predicti, quibus forſitan de fecientibus dictus Robertus et hæridis ſui ſupra dicti de dictis Comitatu, terris, et caſtro, cum pertinentiis, ſervitia, debita, et conſueta. In cujus rei teſtimonium, preſenti carte noſtre, magnum ſigillum officii noſtri apponi precepimus. Teſtibus reverendis in Chriſto patribus, Gilberto Epiſcopo Aberdonen. Cancellario Scotiæ, et Waltero Epiſcopo Brechinen. venerabile patre Johanne Abbate Monaſterii Sanctæ Crucis de Edinburgh, Willielmo Domino de Graham, Johanne de Setoun, Waltero Steuart de Railſtoun, Johanne Forſtarae de Corſtorphine Militibus, Johanne Steuart de Dundonalde fratre noſtro naturali, Alexandro de Setoun de Gordoun, Patricio de Ogilvile, et Andrea de Hawick, rectore de Liſtoun Secretario noſtro apud Perth, quinto decimo die menſis Junii, Anno Domini 1415, et noſtro gubernationis anno decimo.

That what is contained on this, and the preceding page, is a full copy of the original Charter, lying in his Majeſty's General Regiſter-houſe, at Edinburgh, is atteſted by me, Keeper of the Records there, the ſame being examined, collated, or compared at the ſight, and by the aſſiſtance of Robert Jamieſon, Notary Publick.

(Signed) ALEXANDER ROBERTSON,
ROBERT JAMIESON, Not. Pub.

APPENDIX XVII.

I.

ROBERTUS, &c. Sciatis nos dediſſe, &c. dilecto filio noſtro, Jacobo de Douglas de Lydaliſdale militi, filio kariſſimi Conſanguinei noſtri Willielmi Comitis de Douglas & de Marr, ducentas marcas Sterling. &c. teſtibus ven. in Chriſto patribus, Willielmo et Johanne Canc. noſtro Sancti Andreæ & Dunkel. Eccleſiarum Roll 5. No. 91.

rum Epiſcopis, Johanne premogenito noſtro de Carrik ſen. Scotiæ Roberto de Fyf & de Menteth, filio noſtro dilecto, Willielmo de Douglas & de Marr, Conſangueneo noſtro comitibus; Jacobo de Lendeſay Nepote noſtro kariſſimo, & Alexandro de Lyndeſay Conſanguineo noſtro militibus. Apud Edin. 15 die menſis Maii, anno Regni noſtri 10.

II.

Roll 7. No. 34. ROBERTUS, &c. Sciatis nos dediſſe, &c. dilecto conſanguineo noſtro, Henrico de Douglas militi, annuos redditus ſubſcriptos, &c. Teſtibus ven. in Chriſto Patribus, Willielmo & Johanne Canc. noſtro Sancti Andree & Dunkelden. Eccleſiarum Epiſcopis, Joanne primogenito noſtro de Carrik, Roberto de Fif & de Menteth, filio noſtro delecto, Willielmo de Douglas et de Marr, conſanguineo noſtro comitibus, Archibaldo de Douglas & Roberto de Erſkine conſanguineis noſtris, militibus. Apud Edinburgh tertio die Januarii anno regni noſtri tertio decimo.

APPENDIX XVIII.

I.

CHARTULARY OF LENNOX, No. 39.

OMNIBUS hanc Cartam viſuris, vel audituris, Valterus, filius Alani, Dominus de Levinaſe, ſalutem in Domino ſempiternam; Noveritis nos Dediſſe, Conceiſſiſſe, et hac preſenti Carta noſtra, Confirmaſſe, Duncano Naper, Domino Kylmahew, pro homagio, et ſervitio, quond. Johannis Naper, patris ipſius Duncani,

ni, Malcolmo Comiti de Levinax, tempore quo vixerat, Decem Mercatas terræ, atque quartaream terræ de Bullulis, &c. Et nos Valterus, et heredes noſtri, predictas decem Mercatas terræ, &c. prædicto Duncano, heredibus ſuis, et aſſignatis, contra omnes homines, et feminas, Warrantizabimus, &c. In cujus rei Teſtimonium, preſenti Carte, ſigillum fecimus apponi, his Teſtibus, Domino Roberto Daneylſtone militi, Domino Willielmo, filio Ade Rectore Eccleſiæ de Luſſe, Valtero de Buchquhanane, Malcolmo, filio Murdaci, Johanne de Park, cum multis aliis.

II.

CHARTULARY OF LENNOX, No. 41.

OMNIBUS hanc Cartam viſuris, vel audituris, Valterus de Foſſilane, Dominus de Levinax, ſalutem in Domino ſempiternam; Noveritis nos Dediſſe, Conceſſiſſe, et hac preſenti Carta noſtra, Confirmaſſe, dilecto, et fideli noſtro Valtero Domino de Buchanane, Terram de Auchmarr, cum pertinen. &c. In cujus rei Teſtimonium, preſenti Carte noſtre, noſtrum precipimus apponi ſigillum; Teſtibus, nobilibus viris, Domino Johanne de Danyelſtone milite, tunc Vicecomite de Dumbartane, Willielmo de Galbraith, Roberto de Culchone, Murdaco de Levinax, Malcolmo, ſilio Duncani, et Convallo de Aikenhead; apud Bellach, viceſimo die, Menſis Auguſti, Anno Domini Milleſimo tricenteſimo ſeptuageſimo tertio. 20 Auguſt, 1373.

III.

CHARTULARY OF LENNOX. No. 13.

Continued from where it breaks off, in the Caſe for Lady Elizabeth Sutherland, Chap. 5. p. 40.

RETROACTIS.—Et præcipueſi contingat, aliquem hominem ſuum, de comitatu prædicto, per quoſcunque Vicecomites noſtros, aut eorum miniſtros, ad Curiam noſtram vicecomitis arreſtari, pro actione, viz. que in Curia dicti Comitis 1 June, 1384.

poterit,

poterit, et debeat terminari, ipſe vicomes, que contigerit aliquem hujuſmodi arreſtare, incontinenti dictum arreſtatum liberabit, ad Curiam ipſius Comitis, ad ſubeundem ibidem ſuper actione eadem complementum juſtitie, cum per ipſum Comitem, aut ſuum Balivum, debite fuerit requiſitus; Quare, univerſis Vicecomitibus, ceteriſque miniſtris noſtris, quorum intereſt, vel intereſſe poterit, firmiter Damus in mandatum, quatenus prædictam Conceſſionem noſtram præfat. Waltero, et ſuis dictis Hæredibus obſervet, et faciat inviolabiliter obſervari, et hoc ſub pena que incumbit nullatenus omittatis; in cujus rei Teſtimonium, ſigillum, noſtrum, præſenti Carte noſtro, eſt appenſum; apud Caſtrum noſtrum de Rothſay, primo die Junii, anno regni noſtri, quarto decimo; Teſtibus, Venerabili in Chriſto Patre, Johanne Epiſcopo de Dunkelden. Cancellario noſtro, Jacobo de Lindſay nepote noſtro Milite, Celiſtino Campball, Andrea Merſar, et Celeſtino filio Johannis, cum multis aliis.

IV.

CHARTULARY OF LENNOX, No. 113.

ROBERTUS, Dei Gratia Rex Scotorum, omnibus probis hominibus, totius terre ſue, Clericis et Laicis, ſalutem; ſciatis, nos Dediſſe, Conceſſiſſe, et hac preſenti Carta noſtro, Confirmaſſe, Dilecto, et fideli noſtro Duncano Comiti de Levinax, totum Comitatum de Levinax, et Dominium ejuſdem, cum pertinen. Quiquid Comitatus, cum Dominio ejuſdem, fuit dicti Comitis, &c. proceeds on his own reſignation, and contains the following ſubſtitution, in the Tenen. Clauſe. &c. Tenend. et Habend. Dictum Comitatum, et Dominium ejuſdem, cum tenentibus, &c. Dicto Duncano, et Heredibus ſuis maſculis, de corpore ſuo legittime procreatis, ſeu procreandis; quibus forte deficientibus Murdaco Seneſcall, conſanguineo noſtro Cariſſimo, et Iſabelle filiæ dicti Comitis, et eorum diutius viventi, et heredibus inter ipſos legittime procreandis; quibus forte deficientibus, veris legittimis, et propinquioribus heredibus, dicti Duncani quibuſcunque, de nobis, et Heredibus, noſtris in feodo, et hereditate, in perpetuum, per omnes rectas metas, &c. In cujus rei Teſtimonium, preſenti Carte, noſtrum precipimus apponi ſigillum; Teſtibus venerabilibus in Chriſto Patribus, Valtero et Matheo St. Andreæ et Glaſguen. eccleſiarum Epiſcopis, Roberto de Fyfe et de Menteith fratre noſtro Cariſſimo, Archibaldo de Douglas Domino de Galaydie conſanguineo noſtro dilecto Comitibus, Jacobo de Douglas, Domino de Dalkeith, Thoma de Erſkyn Conſanguineis noſtris dilectis Militibus, et Alexander de Cokeburne de Langtoune Cuſtode magni ſigilli noſtri; apud Dumfermling, Octavo die Novembris, Anno Regni noſtri tertio

APPENDIX XIX.

I.

HÆC Inquiſtio facta fuit in Curia Vicecomitatus de Edinburgh, tenta in prætorio Burgi ejuſdem, coram Domino Ludovico Lawder de Overgogar militi vicecomiti principali dict. vicecomitatus, ſpecialiter conſtitut. Magiſtris Lawrentio M'Gill, Joanne Oliphant, Joanne Sandilands Advocatis, et Thoma Young, ſcriba ſigneto regio, vicecomitibus deputatis dict. vicecomitatus, etiam ſpecialiter conſtitut. vigeſimo quinto die menſis Maii, Anno Domini milleſimo ſexcenteſſimo trigeſimo, virtute diſpenſationis, ex deliberatione Dominorum concilii, penes præſens vaccantiarum tempus conceſſ. per hos probos et fideles patriæ viros ſubſcript. viz. Alexandrum Comitem de Eglintoun, Georgium Comitem de Wintoun, Joannem Comitem de Wigtoun, Joannem Comitem de Carrik, Willielmum Vicecomitem de Air, Willielmum Vicecomitem de Drumlangrig, Joannem Dominum Erſkine, Willielmum Dominum de Kilmaurs, Joannem Dominum Roſs de Melvile, Archibaldum Dominum Naper de Merchieſtoun, Joannem Dominum Weymis de eodem, Dominum Jacobum Stewart, militem, Dominum Georgium Towris de Innerleith militem, Dominum Georgium Forreſter de Corſtorphine, Dominum Jacobum Kerr de Crelenghall, qui Jurati, dicunt quod quondam David Comes de Stratherne, abavus attavi nobilis comitis Willielmi nunc comitis de Menteith, præſidis concilii, S. D. N. Regis, Latoris præſentium, obiit, ad fidem et pacem S. D. N. Regis pro tempore exiſten. Et quod dictus Willielmus nunc comes de Monteith, eſt legittimus, et propenquior hæres ejuſdem quond. Davidis comitis de Stratherne, abavi attavi ſui; et quod eſt legittime etatis; In cujus rei teſtimonium, ſigilla quorund. eorum, qui dict. Inquiſitione intererant faciend. una cum brevi regio incluſo, nec non ſigillo officii dict. vicecomitis, et ſigno, et ſubſcriptione manuali, Mri Johannis Oliphant, clerici dict. curiæ, preſentibus ſunt appenſa, anno die menſe et loco præſcript. Book 10. fol. 364.

Alia inquiſitio facta fuit dict. die, et loco, coram dicto judice, et per eaſdem inquiſitionis perſonas, qui jurati dicunt, quod quond. Meliſius Comes de Monteith, proavus abavi Nobilis Comitis Willielmi nunc Comitis de Monteith, in omnibus cum precedente retornatu conveniend. excepto nomine. Book 10. fol. 364.

Idem jurati dicunt, quod quond. Patricius Graham, comes de Stratherne, proavus atavi nobilis comitis Willielmi comitis de Monteeth, ut in precedente excepto nomine.

What

What is above written, is copied from the record of Retours in Chancery, and is a full copy of all that is contained in ſaid record, having a reference to the preceding one, which is copied on the other ſide hereof fully, which is atteſted by me, Keeper of theſe Records, the ſame being examined, collated, and compared at the ſight, and by the aſſiſtance of Robert Jameiſon, Notary Publick.

(Signed) JOHN IRVINE,
ROBERT JAMEISON, Not. Pub.

II.

B. 53. No. 48. CAROLUS, Dei Gratia Magnæ Britanniæ, Franciæ, et Hiberniæ Rex, fideique defenſor, Omnibus probis hominibus ſuis, ad quos preſentes litere pervenerint, Salutem; Sciatis, Quia nos animo noſtro recolen. quod predilectus noſter Conſanguineus et Conſiliarius Willielmus Comes Iaichiæ lie Menteth, Præſes noſtræ Secreti Concilii, de ſervitus, et retornatus exiſtit, indubitatus hæres Sanguinius quond. Davidis Comitis de Stratherne, ſui proavi, proaviæ patris filii legittimi quond. Roberti Regis Secundi noſtri predeceſſoris, felicis memoriæ, Cui quidem, quond Davidi Comiti de Stratherne, et heredibus ſuis, dictus quond. Rex Robertus ſecundus ejus Pater, per duas diverſas Cartas, unum earund de data, apud Edinburgum, decimo nono die meſius Junii, et anno regni ſui primo, et alterum earund. de data, apud Perthum, tertio die menſis Julii, dictoque anno regni ſui primo, diſpoſuit Comitatum de Stratherne, cum omnibus annexis, et pertinen. ejuſdem; *Et quamvis præfatus Willielmus Comes Iaichiæ, tanquam heres prædictus, ad prædictum Comitatum de Stratherne jus bonum haberet, memoratus tamen Comes, ex humili reſpectu, quam erga ſacro ſanctam noſtram perſonam gerit, per literas ſuas Renunciationis, de data vigeſimo——die menſis Januarii, Anno Domini Milleſimo Sexcenteſimo trigeſimo, ac regiſtrat. in generali Regiſtro, Secundo die menſis Martii, proxime ſequent. Renunciavet omne jus, et titulum, quem ad dictum Comitatum de Stratherne, habere potuit*, In favorem noſtrum, et ſucceſſorum noſtrorum, Reſervat. dicto Willielmo Comiti Iaichiæ, terris, et Baronia de Killbryde, aliiſque, in dicta Renunciatione mentionat. Cum hac expreſſa proviſione, quod dicta Renunciatio, non ſit præjudicio dicto Comiti, ſuiſque prædictis, de eorum Jure, et dignitate Sanguinis, ad ipſum tanquam heredem liniæ, præfati quond. Davidis Comitis de Stratherne pertinen. prout dicta Renunciatio, in ſe latius Proportat. Et nos Magnopere volen. quatenus præfatus Willielmus Comes Iaichiæ, he-

redes ſui maſculi, et ſucceſſores, in Jure et titulo Comitatus Ierniæ lie Stratherne, gaudeant, ſuccedant, et fruantur, prædicto titulo, loco, et dignitate, iis debet. per dict. cartas, et inſeofmenta, per dict. quond. Regem Robertum Secundum conceſſ: memorato quond Davidi Comiti de Stratherne, ejus filio, ſuiſque heredibus, ejuſ. Comitatus de Stratherne, in quantum ad titulum, locum, et præcedentiam iis tanquam Comitibus Debit. attint. Igitur, Ratificavimus, approbavimus, tenoreque præſentium pro nobis, et Succeſſoribus noſtris, Ratificamus, et approbamus præfatum titulum, honorem, dignitatem et locum Comitis, præfato Willielmo Comiti Iaichiæ, ſuiſque prædict. debit. virtute dict. Cartarum, per dict. quond. Regem Robertum Secundum, conceſſ. præfato quond. Davidi Comiti de Stratherne, ſuiſque hæredibus, Ac volumus, et concedimus quod, præfatus Willielmus Comes Iaichiæ, hæredeſque ſui maſculi et talliæ dicti Comitatus Taichiæ, Comites Ierniæ et Iaichiæ lie Stratherne et Menteth, omni tempore affuturo, appellentur et vocentur; et quod gaudeant fruantur, et poſſideant præfat. titulum et dignitatem, Comitum Ierniæ et Iaichiæ in omnibus publicis Commitiis, Conventibus, et Parliamentis, omnibuſque aliis Conventionum locis, cum iiſdem priviledgiis, libertatibus, gradibus, et locis, præfato quond. Davidi Comiti de Stratherne, ſuiſque hæredibus, perdict. quond. regem Robertnm Secundum ejus patrem conceſſ. et cum præcedentia, et prioritate ante quaſcunque alias perſonas fact. et Creat. Comites, poſt datam dict. Cartarum, et earum alterius, omneſque alios qui antiquiora infeofmenta, literas paten. et documenta, pro eorum titulo et dignitate Comitatus anteriora dict. cartis, per dict. quond. Regem Robertum, Secundum, prædicto quond. Davidi Comiti de Stratherne conceſſ. producere nequeunt; In cujus rei teſtimonium, præſentibus, magnum Sigillum noſtrum apponi præcepimus; apud Aulam noſtram de Oatlandis, ultimo die menſis Julii, Anno Domini milleſimo ſexcenteſimo trigeſimo primo, et anno regni noſtri ſeptimo; Per Signaturam S. D. N. Regis ſupraſcriptam, nec non, manibus quorund. Dominorum Scaccarii Commiſſionoriorum ſubſcript.

APPENDIX XX.

I.

CARTA JACOBI STEWART.

JACOBUS, &c. Sciatis nos dediſſe, &c. dilecto avunculo noſtro Jacobo Stewart Militi, & Margarete Ogilvie Sponſe ſue, filie delecte noſtri Alexandri Ogilvie de Uchterhouſe, & eorum alteri diutius viventi, Totas & integras Ter- Book 7. No. 114.

ras Barroniarum de Strathalva & Downe; uno cum Caſtro de Banff, &c. necnon, Terras Dominii de Grandoun Fodirlettir & Alachane, &c. Tenend. & Habend. dictis Jacobo & Margarete Sponſe, ſue & eorum alteri diutius viven. & heredibus inter ipſos legittime procreatis, ſeu procreandis: Quibus forte deficien. veris legittimis et propinquioribus heredibus dicti Alexandri de Ogilvie quibuſcunque; &c. Apud Edinburgh, 1. die menſis Martii, anno Domini 1466, & Regni noſtre 7mo.

II.

Book 8. No. 35.

JACOBUS, Dei Gratia Rex Scotorum, Omnibus probis hominibus totius terre ſue, Clericis, et Laicis, Salutem; Noveritis, quia Alias noſtri tenera in etate, pro vero affectione, quam habuimus, et prout ad preſens habemus, erga dilectum avunculum noſtrum Jacobum Comitem de Buchane. et Dominum de Octerhouſe, Dedimus et Conceſſimus eid. hereditarie, totas et integras terras comitatus Buchanie et Comitatum hujuſmodi jacen. infra vicecomitatum noſtrum de Aberdonen, cum tenentibus tenandriis ac eccleſiarum advocationibus dicti Comitatus, et ceteris pertinentiis ejuſdem, Quem Comitatum de Buchan cum Omnibus ſuis pertinentiis predictis, prefatus Jacobus nunc in noſtri etate perfecta, et poſt noſtram ultimam Generalem revocationem Omnium Donationum, per nos in noſtri minore etate factarum, non vi aut metu ductus, nec errore lapſus, ſet ſua mera et ſpontanea voluntate, in manus noſtras per fuſtem et baculum, Apud Edinburgh perſonaliter ſurſum reddidit pureque ſimpliciter reſignavit, ac totum Jus et Clameum que in dicto Comitatu tenentibus tenandriis et eccleſiarum advocationibus habuit, ſeu habere potuit, pro ſe et heredibus ſuis Omnino quiete Clamavit imperpetuum, ſuper eiſd. ad noſtre libitum voluntatis diſponend. nos igitur poſt reſignationem hujuſmodi et poſt dictam noſtram generalem revocationem, ut premittitur, factam, Conſiderantes gratuita et fidelia ſervitia nobis a longo tempore per dictum avunculum noſtrum impenſa, et ſuam fidelem ac Continuam perſeverantiam in eiſdem, ac pro ſuis ſervitiis nobis impendendis Dedimus, Conceſſimus et Confirmavimus hereditarie, ac tenore preſentis Carte Damus, Concedimus et hereditarie Confirmamus nunc in noſtri perfecta etate exiſtentes, eidem Jacobo totum et integrum dictum Comitatum, ac omnes et ſingulas terras, cum tenentibus Tenandriis Eccleſiarum Advocationibus et ceteris pertinentiis ejuſdem. tenend. et habend. totum et integrum predictum Comitatum de Buchane, ac omnes et ſingulas terras, cum tenentibus tenandriis et Eccleſiarum Advocationibus et ceteris pertinentiis dicte Commitatus, dicto Jacobo et heredibus ſuis maſculis de Corpore ſuo legitime procreatis, ſeu procreandis; quibus forte deficientibus, nobis

nobis heredibus et ſucceſſoribus noſtris in feodo et hereditate imperpetuum, per omnes rectas metas ſuas antiquas et diviſas, pro ut jacent in longitudine, et latitudine, in boſcis planis moris mareſiis viis ſemitis aquis ſtagnis revolis pratis paſcuis et paſturis molendinis multuris et eorum ſequelis aucupationibus venationibus piſcationibus petariis turbariis Carbonariis Lapicidiis lapide et Calce fabrilibus braſinis brueriis et geneſtis cum Curiis et earum exitibus herezeldis bludewetis et merchetis Mulierum cum furca et foſſa ſok ſak thol theme infang thief et out fang thief cum Tenentibus Tenandriis et libere tenentium Serviti:s, ac cum Eccleſiarum et Capellarum Advocationibus, ac cum Omnibus aliis et Singulis libertatibus Commoditatibus et aſiamentis ac juſtis pertinentiis quibuſcunque, tam nominatis, quam non nominatis, ad dict. Terras et Comitatum, cum tenentibus tenandriis et Eccleſiarum Advocationibus Spectantibus, ſeu quoviſmodo juſte ſpectare valentibus in futurum: et adeo libere quete plenarie integre honorifice bene et in pace In Omnibus, et per Omnia, ſicut aliquis comes vel comites quicunque de Buchane ipſum comitatum, cum pertinen. Retroactis temporibus tenuit, ſeu poſſedit, tenuerunt ſeu poſſiderunt; In Cujus rei Teſtimonium, preſenti Carte noſtre magnum Sigillum noſtrum apponi precepimus; Teſtibus Reverendis in Chriſto Patribus, Joanni Epiſcopo Glaſguen. Willielmo Epiſcopo Moravien. noſtri ſecreti Sigilli Cuſtode, Thoma Epiſcopo Aberdonen. Dilectis Conſanguineis noſtris Andræa Domino Avendale Cancellario noſtro, Colino Comiti de Ergile, Domino Compbell et Lorne Maigſtro Hoſpitii noſtre, David Comiti de Crawfurd, Domino Lindſay, Jacobo Domino Hamilton, Johanne de Colquhoun de eodem Militi, Magiſtris Archibaldo Whytlaw Archidiacono Laudone Secretario noſtro, et Alexandro Inglis Cancellario Aberdonen. Clerico noſtrorum Rotulorum et Regiſtri; Apud Edinburgh Duodecimo die menſis Octobris, Anno Domini Milleſimo quadrigenſimo ſeptuageſimo ſeptimo, et Regni noſtri Decimo Octavo.

III.

Carta JOANNIS Comitis de BUCHAN, 1547.

MARIA, Dei Gratia, Regina Scotorum, Omnibus probis hominibus totius terre, ſue Clericis, et Laicis, Salutem; Sciatis nos, cum aviſamento conſenſu et Auctoritate noſtri Conſanguinei et tutoris Jacobi Aranie Comitis Domini Hamiltoun Regni noſtri protectoris et gubernatoris, Dediſſe, Conceſſiſſe, et hac preſenti Carta noſtra, Confirmaſſe hereditarie, dilecto noſtro Johanne Stewart filio et heredi apparenti predilecti noſtri conſanguinei Johannis Comitis de Buchane Domini de Ouchterhouſe, et heredibus ſuis ſubſcript. et aſſignatis Omnes et Singulas terras baroniam et Dominium de Glendowequhy, ac Caſtrum de Banff, cum ſuis annexis ſubſcript. viz. Terras Baroniam et Dominium de Ouchterhouſe, cum caſtro fortaliis molendinis annexis et pendiculis earund. terras et baroniam de Eſſe, viz. Caſtletown Ailhous et terram B. 30. No. 139.

terram Braſinariam de Eſſe, novum molendinum Balkery, cum molendino Glenquhariteis Balgrugo et Direland de Eſſe, Terras et baroniam de Nevay, terras de Petdynny jacent. in baronia de Cathans, cum omnibus ſuis pertinent. jacent. infra Vicecomitatum noſtrum de Forfar, Terras et Baroniam de Montblary, cum Piſcariis, Silvis et Molendinis earund. viz. Terras vocat. Weſtrynn, terras de Newtoun, cum Molendinis et Silvis earund. Terras de Todlaw, cum parca lie park, Terras de Quihitefield, Terras de Smeddytoun de Montblary, tertiam partem et quartam partem terrarum de Haltoun de Montblary, cum tribus quarteriis, et bina parti alterius quarte partes dict. terrarum de Haltoun de Montblary, Terras Dominicales de Auchinbady, cum molendino et piſcaria earund. Terras de Stanelie Auchindbady Terras de Ryland cum ſilvis et molendino earund. Terras de Tullo cum molendino earund. Terras et Baroniam de Glendowequhy alias Down, viz. Terras Dominicales de Down, cum molendino piſcariis in aquis recentibus et ſalſis, et Terra braſinaria earund. Terras de Mackies, cum lie outſet Molendino et piſcaria earund. Terras de Fortre, cum Molendino et outſet earund. Terras de Mountblatoun, et lie outſetis earund. Salmonum piſcariam de Kains net aſſiſ. laxam in aqua de Dovern Cragſhot in mare prope villam de Banff, dictum caſtrum de Banff, cum lie Caſtlehill et ortis ejuſd. officia vicecomitis et Coronatoris vicecomitatus noſtri de Banff, Terras de Petgar, cum molendino earund. Terras Mynone et Cartrylzie, Terras de Colane, cum omnibus ſuis pertinen. jacen. infra dict. vicecomitatum noſtrum de Banff, terras at Baroniam de Glencuthill, viz. villam et molendinum de Glencuthill, Terras de Auchtmedden, cum piſcaria earundem, Terras de Irichbreck, Terras de Salt Cottis, Terras de Towy et Petinacalder, Molendinum de Grandoun infra Baroniam ejuſd. acram terrarum jacen. in baronia de Cartlyzer, Terras de Balmadois jacen. in Baronia de Grandoun, Terras de Glaſcofores, terras et baroniam de Cartrylzer, cum omnibus ſuis pertinen. jacen. infra vicecomitatum noſtrum de Aberdine, prenominatis Terris Dominio et baronie de Glendowequhy perprius unit. et annexat. Cum turribus fortaliciis maneriis molendinis piſcariis ſilvis nemoribus eſchaetis feodis privilegiis ortis pomeriis advocatione donatione et Jure patronatus eccleſiarum et Capellaniarum tenentibus tenandriis et libere tenen. ſervitiis, Omnium et Singulorum terrarum baroniarum officiorum et piſcariarum ſupra ſcript. et ſuis pertinen. terras et baroniam de Kynzawty, cum molendinis tenen. tenan. et libere tenen. ſervitiis earund. et ſuis pertin. jacen. infra vicecomitatum noſtrum de Forfarr antedict. et monticulum nuncupat. *Erliſhill*, cum tenen. tenan. et libere tenan. ſervitiis earund. et ſuis pertinen. jacen. in Comitatu de Buchane, infra vicecomitatum noſtrum de Aberdene antedict. Quequidem terre baronie et Dominium de Glendowequhy, cum ſuis annexis et connexis particulariter ſuperius expreſſat. baronia de Hynzawty et monticulum nuncupat. Erliſhill, cum Caſtris Turribus Fortalyciis molendinis piſcariis aſſis officiis ſilvis partibus pendiculis ortis pomeriis advocatione donatione et Jure patronatus Eccleſiarum et Capellaniarum annexis connexis tenen. tenan. et libere tenen. ſervitiis earund. et omnibus ſuis pertinen. fuerunt dict. noſtri Conſanguinei Johannis Comitis de Buchane perprius hereditarie, et quas eidem per Fuſtum et baculum procuratores ſuos legittimos et literas ſuos paten. in manibus dict. noſtri gubernatoris, tanquam in manibus noſtris, noſtras poteſtatem et auctoritatem virtute officii ſui tutorie habend. reſignationes terrarum de nobis immediate

diate recipien. Apud Sanctum Andream ſurſum reddidit pureque et ſimpliciter reſignavit, ac totum jus et Clameum, que in eiſd. habuit, ſeu habere potuit, pro ſe et heredibus ſuis omnino quiete clamavit imperpetuum; In ſuper cum aviſamento Conſenſu et Auctoritate noſtri gubernatoris predict. pro bono fideli et Gratuito Servitio per prefat. Conſanguineum noſtrum Johannem Comitem de Buchane quond. chariſſimo patri noſtro, cujus anime proprietur Deus, nobis et dict. noſtro Gubernatori noſtro nomine impenſ. et per dict. Joannem ejus filium et heredes ſuos nobis impenden. et pro nonullis pecuniarum ſummis et Compoſitione theſaurario noſtro nomine noſtro per dict. Conſanguineum noſtrum Johannem Comitem de Buchane ſolut. et deliberat, ac pro diverſis aliis Cauſis et Conſiderationibus rationalibus dict. noſtrum gubernatorum moven. de novo infeodamus damus concedimus, ac pro nobis et ſucceſſoribus noſtris pro perpetuo diſponimus et confirmamus, dicto Johanni Stewart, ſuis heredibus et aſſignatis, Omnes et Singulas prenominat. terras Baroniam et Dominium de Glendowequhy, ac *caſtrum de Banff*, cum ſuis annexis et connexis ſubſcript. viz. terras Baroniam et Dominium de Ouchterhouſe, cum caſtro fortalicio molendinis annexis et pendiculis earund. Terras et Baroniam de Eſſe, viz. Caſtletoun Ailhous et terram braſiniariam de Eſſe, novum molendinum Balkery, cum molendino Glenquharites Balrugo et Dereland de Eſſe, Terras et Baroniam de Navay, terras de Petdyn, terras et baroniam de Montblary, cum Piſcariis, Silvis, et Molendinis earund. viz. terras vocat Weſtryn, terras de Newtoun, cum Molendine et Silvis earund. Terras de Todlaw, cum parca lie park, terras de Quhitefield, terras de Smeddetoun de Montblary, tertiam partem et quartam partem terrarum de Haltoun de Montblary, cum tribus quarterius et bina parte alterius quarte partis dict. Terrarum de Holtoun de Montblary, terras Dominicales de Achinbady, cum Molendino et Piſcaria earund. terras de Stonlie de Achinbady, terras de Ryland, cum ſilvis et molendino earund. terras de Tullo, cum molendino earund. terras et baroniam de Glendowaqhy, alias Down, viz. Terras Dominicales de Down, cum molendino piſcariis in aquis recentibus et ſalſis et terra braſinaria earund. terras de Mekeis, cum lie outſet molendino et piſcaria earundem, terras de Fortre, cum molendino et lie outſet earund. terras de Montblatoun, et lie outſet earundem, ſalmonum piſcarium de Kaims, net aſſiff. laxam in aqua de Dovern Cragſhot in mare prope villam de Banff, dict. caſtrum de Banff, cum lie Caſtlehill, et ortis ejuſd. officia Vicecomitis et Coronotoris dict. Vicecomitatus noſtri de Banff, terras de Petgar, cum molendino earund. terras de Mynone et Catrylzer terras de Colane, terras et baroniam de Glencuthill, viz. villam et molendinum de Glencuthill, terras de Achmaddin, cum piſcaria earund. terras de Inchebrek, terras de Sallcottis, terras de Towy et Petinacalder, molendinum de Grandoun infra baroniam ejuſd. acram terrarum jacen. in baronia de Cartrylzer terras de Balmadies jacen. in Baronia de Grandoun, terras de Glaſtaforres, terras et baroniam de Cartylzer prefat. terris baronie et Dominio de Glendewequhy perprius unit. et annexat. cum turribus fortaliciis maneriis molendinis peſcariis ſilvis eſchætis feodis privilegiis ortis pomeriis advocatione donatione et jure patronatus eccleſiarum et capellaniarum tenentibus tenandriis et libere tenen. ſervitiis omnium et ſingularum terrarum barroniarum et officiorum ſupra ſcript. ac omnibus ſuis pertinen. terras et baroniam de Kenrawly, cum molendino tenen. tenan. et libere tenen. ſervitiis earund. et Monticulum nuncu-

pat. Erliſhill, cum tenen. tenan. et libere tenen. ſervitiis earund. et ſuis pertinen. ac totum jus titulum intereſſe et Juris clameum tam petitorium, quam poſſeſſorum, que nos predeceſſores aut ſucceſſores noſtri habuerunt, habuimus, habemus ſeu quoviſmodo ad eaſd. habere vel clamare poterimus, aut ipſarum aliquam partem firmas proficua et devorias earund. elapſſ. et future, ratione eſcheate forisfacture heredum aut tenentium nonintroitus recognitionis alienationis majoris partes baſtardie purpreſture diſclamationis ultime heredis ſeu alias quoviſmodo, ob quam quamcunque actionem cauſam vel occaſionem preteritam, aut quocunque alio Jure titulo vel juris clameo renunciando et exonerando eiſd. pro nobis et ſucceſſoribus noſtris prefat. Johanni ſuis heredibus et aſſignatis imperpetuum, cum ſuplemento omnium defectuum, tam non nominatorum, quam nominatorum, quos tanquam pro expreſſat. in hac preſenti carta noſtra habere volumus. Tenendas et habendas omnes et ſingulas prenominat. terras baroniam & dominium de Glendowcquhy ac caſtrum de Banff, cum ſuis annexis et connexis ſubſcript. viz. terras baroniam et dominium de Ouchterhouſe, cum caſtro fortalicio molendinis annexis et pendiculis earund. terras et baroniam de Eſſe, viz. Caſtellum Ailhouſe, et terram braſinariam de Eſſe, novum molendinum Balkery, cum molendino Glenquherities Balgrugo et Direland de Eſſe, terras et barroniam de Nevay, terras de Petdyny, terras et baroniam de Montblary, cum piſcariis ſilvis et molendinis earund. viz. terras vocat. Weſtryn, terras de Newtoun, cum molendino et ſilvis earund. terras de Todlaw cum parca lie park, terras de Quhitefield, terras de Smiddetoun de Montblary, tertiam partem et quartam partem terrarum de Haltoun de Montblary, cum tribus quarteriis, et bina parte alterius quarte partis dict. terrarum de Haltoun de Montblary, terras dominicales de Achinbady, cum molendino et piſcaria earund. terras de Stanelie de Achinbadie, terras de Ryland, cum ſilvis et molendino earund. terras de Tullo cum molendino earund. terras et baroniam de Glendewoquhy alias Down, viz. terras dominicales de Down, cum molendino piſcariis in aquis recentibus et ſalſis, et terra braſinaria earund. terras de Makies, cum lie outſet molendino et piſcaria earund. terras de Fortre cum molendino et lie outſet earund. terras de Montblatoun, et lie outſet earund. ſalmonium piſcariam de lie Thainiis, net aſſeſſ. laxam in aqua de Dowern Cragſchot in mare, prope villam de Banff, dict. caſtrum de Banff, cum lie Caſtlehill et ortis ejuſd. officia vicecomitis et coronatoris d ct. vicecomitatus noſtri de Banff, terras de Petgar, cum molendino earund. terras de Mynone et Cartrylzer, terras de Colane, terras et baroniam de Glencuthill, viz. villam et molendinum de Glencuthill, terras de Aithmeddin, cum piſcaria earund. terras de Inchebrek, terras de Saltcottis, terras de Towy et Petmacalder, molendinum de Grandoun infra baroniam ejuſd. acram terrarum jacen. in baronia de Cartrylzer, terras de Belmadies jacen. in baronia de Grandoun, terras de Glaſtofores, terras et baroniam de Cartrylzer, prenominat. terris baronie et dominie de Glendowequhy perprius unit. et annexat. cum turribus fortaliciis maneriis molendinis piſcariis ſilvis eſchætis feodis privilegiis ortis pomeriis advocatione donatione et jure patronatus eccleſiarum et capellaniorum tenen. et libere tenen. ſervitiis omnium et ſingularum terrarum baroniarum officiorum et piſcariarum ſupra ſcript. ac omnibus ſuis pertinen. terras et baroniam de Kynzawly, cum molendinis tenen. tenan. et libere tenen. ſervitiis earund. et Monticulum nuncupat. Erliſhill, cum

tenen. tenan. et libere tenentium ſervitiisearund. ac ſuis pertinen. prefat. Johanni Stewart SUIS HEREDIBUS ET ASSIGNATIS QUIBUSCUNQUE, de nobis et ſucceſſoribus noſtris in feodo et hereditate imperpetuum, per omnes rectas metas ſuas antiquas et diviſas prout jacent. in longitudine, et latitudine in boſcis planis moris mareſiis viis ſemitis aquis ſtagnis rivulis pratis paſcuis et paſturis molendinis multuris et earum ſequelis aucupationibus venationibus piſcationibus petariis turbariis carbonariis lignis lapicidiis lapide et calce fabrilibus braſinis braveriis et geneſtis, cum furca foſſa ſok ſak thol theme infang thief outfang thief pit et gallowſs wrak waith wair vert et veniſſoun ac cum privilegio liberarum foreſtarum ubi ſilve et foreſte ſuper prefat. terris et baroniis fuerint aut fore contigerint cum foreſtarum curiis et hujuſmodi curiarum amerciamentis, cum curiis et earum exitibus herezeldis bludewitis et mulierum merchetis, cum communi paſtura libero introitu et exitu, ac cum omnibus aliis et ſingulis libertatibus commoditatibus proficius et aſiamentis ac juſtis ſuis pertinen. quibuſcunque, tam nonnomitis, quam nominatis, tam ſub terra, quam ſupra terram, prout et prope ad predict. terras Dominia baronias et officia ſupra ſcript. cum turribus fortaliciis maneriis molendinis piſcariis ſilvis lie outſettis partibus pendiculis eſchætis feodis privilegiis ortis pomeriis advocatione donatione et jure patronatus eccleſiarum et cappellaniarum tenen. tenan. et libere tenen. ſervitiis earund. et omnibus ſuis pertinen. ſpectan. ſeu juſte ſpectare valen. quomodolibet in futurum libere quiete plenarie integre honorifice bene et in pace ſine aliqua revocatione contradictione aut obſtaculo aliquali, reddendo inde annuatim, prefat. Johannes Stewart ſui heredes et aſſignati nobis et ſucceſſoribus noſtris, jura et ſervitia prenominat. terrarum Dominii baroniam et officiorum ſupra ſcript. cum turribus fortaliis maneriis molendinis piſcariis ſilvis lie outſettis partibus pendiculis eſchætis feodis privilegiis ortis pomeriis advocatione donatione et jure patronatus et eccleſiarum" at cappellenariarum tenen. tenan. et libere tenen. ſervitiis earund. ac omnibus ſuis pertinen. ante prefat. reſignationem nobis debita et conſueta, ſalvo nichilominus et reſervat. prefat. conſanguineo noſtro Johanni Comiti de Buchane, libere tenemento omnium et ſingularum terrarum baroniarum Dominii et officiorum ſupra ſcript. cum turribus fortaliciis maneriis molendinis piſcariis ſilvis partibus pendiculis eſchætis feodis privilegiis ortis pomeriis advocatione donatione et jure patronatus eccleſiarum et capellaniarum tenentibus tenandriis et libere tenen. ſervilis earund. ac omnibus ſuis pertinen. excepr. prenominat. terras de Down, cum molendino piſcariis et pendiculis earund. dicto Johanni Stewart, et Margarete Ogilvie ejus ſponſe in conjuncta infeodatione pertinen. pro omnibus vite diebus prefat. Comitis, una cum rationabili parte Tertia earund. except. prius except. ſponſe ſue que pro tempore fuerit cum contigerit; In Cujus rei Teſtimonium, huic prelente Carte noſtre Magnum Sigillum noſtrum apponi precepimus; Teſtibus ut in aliis Cartis Conſemilis, date preceden. Apud Sanctum Andream, quarto die menſis Auguſti, Anno Domini Mileſimo Quingenteſimo Quadrageſimo Septimo, Et Regni Noſtri Quinto.

That what is wrote on this and the eleven preceding pages is a juſt copy of a Charter on record in his Majeſty's General Regiſter-Houſe at Edinburgh, is atteſted by me, keeper of theſe Records, the ſame being examined, collated, or compared at the ſight and by the aſſiſtance of Robert Jamieſon, Notary Publick.

(Signed) ALEXANDER ROBERTSON,
ROBERT JAMIESON, Not. Pub.

IV.

IV.

Book 48. No. 390.

JACOBUS, Dei Gratia, Magne Britannie, Francie, & Hibernie, Rex, &c. fideique Defenſor, Omnibus probis hominibus totius terre ſue Clericis, et Laicis, ſalutem; Sciatis, nos, cum aviſamento conſilio et conſenſu fideleſſimi ac predilectiſſimi noſtri Conſanguinei et Conſiliarii Johannis Comitis Marrie Domine Erſken, &c. Gareoche Magni noſtri theſaurarii regni Scotie, dilectique noſtri Conſiliarii Domini Gideonis Murray de Elibank Militis Theſaurarii noſtri Deputati, et reliquorum Dominorum noſtri Secrete Conſilii, dediſſe conceſſiiſſe deſpoſuiſſe, et hæc preſenti Carta noſtra confirmaſſe, prout tenore ejuſdem, dare concedere, ac pro nobis et Succeſſoribus noſtris pro perpetuo diſponere, et hac preſenti Carta noſtra Confirmare, predilecte noſtre Conſanguinee Domine Marie Douglas Comitiſſe Buchanie, et predilectiſſimo noſtro Conſanguineo Jacobo Comiti Buchanie, ejus qui filius legitimus ac natu maximus eſt dict. Comitis Marrie inter ipſum et propinquiſſimam et fideliſſimam Conſanguineam Dominam Mariam Stewart Comitiſſam Marrie ejus conjugem legitimi procreat. Alterique eorum dict. Comitiſſe ac Comitis Buchaniæ diutius viventi in Conjuncta infeodatione pro Omnibus ipſorum vite diebus, et heredibus Maſculis inter ipſos legitime procreat. ſeu procreand. Quibus deficiantibus, legittimis & propinquioribus heredibus Maſculis ac aſſignatis dict. Iacobi Comitis Buchanie quibuſcunque hereditarie, Omnes et ſingulas Terras Baroniam aliaque particulariter ſubſcript. Dominii et Comitatus Buchanie, viz. Terras Baroniam [et Baroniam] de Auchterhous, &c. Quequidem Omnes & Singule prenominate terre barronie aliaque particulariter ſupra ſpecificat. cum Omnibus ſuis pertinen. ad dict. Dominam Mariam Douglas Comitiſſam Buchanie perprius hereditarie pertinuerunt, et nunc per ipſam ejuſque Conjugem, cum Conſenſu ſuorum Curatorum pro ipſorum intereſſe ſuoſque legitimos procuratores eorum nominibus per patentes eorum literas procuratorias ſpecialiter Conſtitut. In manibus noſtris, tanquam in manibus Dominorum ſuorum Superiorum earundem ſaltem in manibus Dominorum Secreti Concilii in abſentia noſtra Reſignationes terrarum recipient. et accepta. Ac infeofamenta de ſuper conceden. poteſtatem et commiſſionem haben. Apud Edinburgh, cum Omnibus Jure titulo intereſſe proprietate et poſſeſſione, que et quas in eiſdem habuerunt, habent, ſeu quoviſmodo inſuturum habere, patuerunt, Reſignate per fuſtum et baculum fuerunt. In favorem ſpecialem ac pro nova in feodatione prefat. Domine Mariæ Douglas Comitiſſi Buchanie, et dict. Jacobo Comiti Buchanie ejus Conjugi, eorumque alteri diutius vivente, in Conjuncta in feodatione, et heredibus maſculis inter ipſos legittime procreat. ſeu procreand. Quibus dificientibus, heredibus maſculis et Aſſignatis dict. Jacobi Comitis Buchanie quibuſcunque hereditarie, iterum dein. et conceden. hocque pro Certis

tis magnis et onerosis causis in Contractu Matrimoniale, inter ipsos de super confect. prout in eodem, de data decimo quinto die mensis Junii, Anno Domini Millesimo sexcentesimo decimo quinto dict. literas procuratorias in se continen. latius continetur; In super nos, pro bono fidele et Gratuito Servitio, nobis per dictum nostrum predilectissimum nostrum consanguineum ac Consiliarium, Joannem Comitem Marrie, et pref. Jacobum Comitem Buchanie eius filium prestitum et impensum, ac pro diversis aliis Rationabilibus Causis et Considerationibus, nos moven. ex nostris proprio motu de novo dedimus concessimus ac disposuimus, prout tenore presentis Carte nostre do novo damus concedimus ac pro nobis et successoribus nostris pro perpetuo disponimus prefat. Domine Marie Douglas Comitisse Buchanie, et Jacobo Comiti Buchanie ejus Conjugi, eorumq. alteri diutius viventi in Conjuncta Infeodatione pro Omnibus Ipsorum vite Diebus, et heredibus Masculis inter ipsos legitime procreat. seu procreand. Quibus deficientibus, legitimis et propinquioribus heredibus Masculis et Assignatis dicti Jacobi Comitis Buchanie quibuscunque hereditarie, Omnes et singulas terras Barronias aliaque particulariter subtus et supra content. dict. Dominii et Comitatus Buchanie, scilicet, Totas et integras terras Barroniam et Dominium de Auchterhouse, &c. Nova damus unit. &c. In unum Integrum et liberum Dominium et Baroniam, Baroniam et Dominium de Glendowaquhy omni tempore affuturo, nuncupand. et *Castrum de Banff* principale Messuagium fore *antedict. Dominii* et Baroniæ, ac volumus &c. ac Decernimus et Ordinamus, et pro nobis ac successoribus nostris declaramus quod prefatus Jacobus comes Buchanie, et heredes sui masculi predict. exerceant et possideant in Omnibus nostris parliamentis statuum Conventionibus aliisque nostris publicis serviciis, Omnes honores et dignitates et preeminentias, quas Comites Buchanie exantiquo exercerunt, seu possiderunt ullo tempore preterito; In Cujus rei Testimonium, huic presente Carte nostre; Magnum sigillum nostrum appone precipimus; Testibus &c. Apud Burleyhill, Vigesimo secundo die mensis Martii, Anno Domini Millesimo sexcentesimo decimo septimo, et Regni nostri Annis quinquagesimo et decimo quarto.

APPENDIX XXI.

I.

Act in favours of the Lord Fraser, for the title of Lord Fraser.

Records of Parliament, 24 June, 1662. Book 26 f. 12.

THE estates of Parliament being informed, that notwithstanding that the Lord Fraser, be his Majestye's Patent under the Great Seale of the twenty-ninth day of June, 1633 years, is creat Lord Fraser, and appointed to be called so in

all time coming; yet ſome perſones do preſume ſo far to ſhift and contemne his Majeſtie's Patent and royal pleaſure therein expreſt, as by their diſcourſes and writings to give other names and deſignations than what are contained in the Patent; and conſidering that his Majeſty is the fountane and ſpring of all honor within his dominions, and that ſuch doings are hie neglects and contempts of his Majeſties royal prerogative, Therefore the eſtates of Parliament do declare, that the Lord Fraſer is, according to his Patent, to have and enjoy the title of Lord Fraſer; and diſcharges all his Majeſties ſubjects that none of them preſume in diſcourſes, writings, or otherwiſe, to give him any other title or deſignation, as they will be anſwerable at their heiſt perrel.

II.

CHARTER to LORD RUTHVEN.

Book 25. No. 261.

JACOBUS, Dei Gratia Rex Scotorum, Omnibus probis hominibus Totius terre ſue, clericis, et laicis, Salutem; Sciatis nos, quandam Cartam Alienationis et venditionis factam peo Willielmum Ruthven de Peill, dilecto Conſanguineo noſtro Willielmo Domino Ruthven, et Jonete Halyburton ſue ſponſe, et ipſorum alteri diutius viventi, in vitali redditu, pro toto tempore vite eorum, et Jacobo Ruthven eorum filio, et heredibus ſuis maſculis, de Corpore ſuo legittime procreandis; Quibus deficientibus, legittimis et propinquioribus heredibus dicti noſtri Conſanguinei quibuſcunque, ſuper tota et integra dicti Willielmi dimedietate terrarum de Forteviot, cum ſuo dimedietate molendini et terrarum molendinariarum ejuſdem, cum tenentibus tenandriis libere tenen. Servitiis earundem, et ſuis pertinen. jacen. infra vicecomitatum noſtrum de Perth, de nobis et ſucceſſoribus noſtris tenen. de mandato noſtro viſam lectam inſpectam et diligenter examinatam ſanam integram, non raſam, non cancellatam, nec in aliqua ſui parte ſuſpectam, ad plenum intellexiſſe, ſub hac forma. Omnibus hanc cartam viſuris vel audituris, Willielmus Ruthven de Piell ſalutem in Domino ſenpiternam, noveritis, me vendidiſſe tituloq. pure venditionis alienaſſe, ac preſenti Carta mea pro perpetuo confirmaſſe, noc non, vendere alienare, et hac preſenti Carta mea pro perpetuo confirmare, nobili et potenti *Domino Willielmo Domino Ruthven, et Jonete Halyburtone ſue ſponſe*, et eorum alteri diutius viventi, in vitali redditu, *ac Jacobo Ruthven eorum filio*, et heredibus ſuis ſubſcriptis hereditarie, Totam et integram meam dimiditatem Terrarum de Forteviot, cum mea dimidietate molendini, et terrarum molendinariarum ejuſd. cum tenentibus tenan-

nandriis libere tenen. ſervitiis earundem, et ſuis pertinen. jacen. infra vicecomitatum de Perth, pro quad. certa ſumma pecunie, mihi per prefatum nobilem Dominum pre manibus Gratanter et integre perſoluta in pecunia numerata, et in uſum meum totaliter converſa, De quaquidem ſumma pecunie teneo me bene contentum, ac plenarie et integre perſolutum, prefatumq. nobilem Dominum ſuos heredes executores et aſſignatos pro me meis heredibus executoribus et aſſignatis de ead. quietos inde clamo imperpetuum preſentis carte mee por tenorem Tenen. et haben. totam et integram dictam dimidietatem terrarum de Forteviot, cum prefata dimidietate molendini, et terrarum molendinariarum ejuſdem, cum tenentibus tenandriis et libere tenen. ſervitiis earum, et ſuis pertinen. prefatis Williemo Domino Ruthven, et Jonete Halyburton ſue ſponſe, et eorum alteri diutius viventi in vitale redditu, ac Jacobo Ruthven eorum filio, heredibuſq. ſuis maſculis, de corpore ſuo legittime procreandis; Quibus forte deficien. legittimis et propinquioribus heredibus. dicti nobilis domini quibuſcunq. a me et heredibus meis de ſupremo Domino noſtro Rege, et ſuis ſucceſſoribus infeodo et hereditate imperpetuum, per omnes rectas metas ſuas antiquas et diviſas, prout jacent. in longitudine et latitudine, in Domibus edificiis bocis planis moris mareciis viis ſemitis aquis ſtagnis rivolis pratis paſcuis et paſturis molendinis multuris, et eorum ſequelis aucupationibus venationibus piſcationibus petariis turbariis carbonariis cunniculis cunnicularis columbus columbariis fabrilibus braſiniis breweriis & geneſtis ſilvis nemoribus et vergultis lignis lapacidiis lapide et calce, Cum Curiis et earum exitibus amerchiamentis herezeldis bludewitis et merchetis mulierum, Cum Communi paſtura libero introitu et exitu, ac cum Omnibus aliis et ſingulis libertatibus Commodetatibus proficuis et aſiamentis, ac juſtis ſuis pertinen. quibuſcunque, tam non nominatis, quam nominatis, tam ſub terra, quam ſupra terram, prout et prope ad predictam dimidietate terrarum de Forteviot, cum dicta Dimidietate molendini ſupraſcript. Cum pertinentiis ſpectan. ſeu juſte ſpectare valen. quomodolibet in futurum libere quiete plenarie Integre honorifice bene et in pace ſine aliquo Impedimento, revocatione Contradictione aut obſtaculo aliquoli, Reddendo inde annuatim dict. Willielmus Dominus Ruthven, et *Joneta Haliburtoun ejus ſponſa*, aut eorum alter diutius vivens, pro toto tempore vite earund. et poſt eorum deceſſum, prefatus Jacobus Ruthven eorum filius heredeſq. ſui ſupra ſcript. prefato ſupremo Domino noſtro Regi, vel ſuis ſucceſſoribus unum Denarium uſualis monete Regni Scotiæ in feſto Penthecoſtes, ſuper ſolum dictarum terrarum, nomine albefirme, ſi petatur tantum, pro omni alio onere exactione queſtione Demanda ſeu ſervitio ſeculari, que de predictis terris et molendino ſupraſcript. cum pertinen. per quoſcunq. juſte exigi poterunt, quomodlibet vel requiri; et Ego vero prefatus Willielmus Ruthven heredes mei et aſſignati totam et integram dictam dimidietatem Terrarum de Forteviot, Cum prefata dimeditate molendine et terrarum molendinariarum ejuſdem, Cum tenentibus tenandriis et libere tenen. ſervitiis earundem, Cum pertinen. prefatis *Willielmo Domino Ruthven, Jonete Haliburton ejus ſponſe*, et eorum alteri diutius viven. in vitali redditu, ac dicto Jacobo Ruthven eorum filio, heredibuſque ſuis ſupra ſcriptis, adeo libere et quiete in Omnibus, et per Omnia forma pariter et effectu ut premiſſum eſt, Contra omnes mortales

varan-

varantizabimus acquietabimus et imperpetuum defendemus; In cujus rei teſtimonium, ſigillum meum unacum mea ſubſcriptione manuali huic preſenti carte mee eſt appenſum; Apud Edinburgum, viceſimo quarto die menſis Januarii, Anno Domini Milleſimo quingenteſimo trigeſimo quinto, quoram hiis teſtibus David Pitſcotty de Loncardy, Andrea Henryſon burgen. de Edinburgh, Georgio Haliburton, Willielmo Strange, Thoma Bryſon, et Johanne Kirk, cum diverſis aliis; quamquidem cartam ac venditionem, et alienationem in eadem content. in omnibus ſuis punctis et articulis conditionibus et modis, ac circumſtantiis ſuis quibuſcunque, in omnibus et per omnia forma pariter et effectu ut premiſſum eſt, approbamus, ratificamus, ac pro nobis et ſucceſſoribus noſtris pro perpetuo confirmamus, ſalvis nobis, et noſtris ſucceſſoribus, Juribus et ſervitiis de dictis terris, et molendino, cum pertinen. ante preſentem noſtram confirmationem prius debitis et conſuetus, In cujus rei teſtimonium, huic preſenti carte noſtre confirmationis, magnum ſigillum noſtrum apponi precepimus; teſtibus ut in aliis cartis precedentibus ejuſd. date Apud Sanctum Andream, primo die menſis Martii, Anno Domini Milleſimo quingenteſimo trigeſimo quinto, et Regni noſtri viceſimo tertio.

That what is wrote on this, and the four preceding pages, is a juſt copy of a Charter, or Record in his Majeſty's General Regiſter-houſe, at Edinburgh, is atteſted by me, Keeper of theſe Records, the ſame being examined, collated, or compared at the ſight, and by the aſſiſtance of Robert Jamieſon, Notary Publick.

(Signed) ALEXANDER ROBERTSON,
ROBERT JAMIESON, Not. Pub.

III.

CARTA GEORGII DOMINI HUME.

Book 26. No. 173.

JACOBUS, &c. ſciatis, nos etatis perfecte viginti trium annorum exiſten. pro bono fideli, & gratuito ſervitio, nobis per predilectum conſanguineum & conſilliarium noſtrum Georgium Dominum Hume ſuos anteceſſores amicos & participes impenſo noſtros rebelles & veteres anglie innimicos, tempore guerre reſiſten. et in conſiderationem habentes, quod quondam Alexander Dominus Hume, ultimo defunctus frater dicti noſtri conſanguinei, pro parvis exiguiſq. cauſis and criminibus per ipſum commiſſis foris factus erat, nec non pro certis aliis cauſis & conſiderationibus, nos ad hoc moventibus, dediſſe, &c. dicto noſtro conſanguineo Georgeo Domino Hume, & *Domine Mariote Haliburton ſue conjugi*, & ipſorum alteri diutius viventi, in vitali redditu, pro omnibus diebus ipſorum vite, & Alexandro Hume eorum filio et heredi apparen. in feodo et hereditate, totas et integras tertias partes omnium et ſingularum terrarum et baroniarum ſubſcript. viz. terrarum et baronie de Dirletoun, &c. tertiam terrarum et baronie de Weſt Fenton, &c. tertiam terrarum de Boltoun, &c. *tertiam terrarum* & *Dominii de Haliburton et baronie de Lambdene*, &c.

APPENDIX XXII.

I.

CARTA ANDREE HERYSS DE TERREGLIS.

JACOBUS, &c. Sciatis nos dediſſe, &c. dilecto noſtro Andree Heryſs, filio et heredi apparen. Harberti Herys de Terreglis omnes et ſingulas terras et baronias de Terreglis, &c. Quequid terre et barronie cum tenen. &c. fuerunt dicti Harberti Herys hereditarie, et quas idem Harbertus, &c. reſignavit &c. 1 Junii, 1486. Book 10. No. 151.

APPENDIX XXIII.

I.

EARL OF MURRAY.

MARIA, &c. quia pro ſpecialibus favore et amore quos erga naturalem noſtrum fratrem Jacobum Commendatarium Sancti Andree et Pettinweme habemus et gerimus, dedimus et concèſſimus hereditarie predilecto noſtro fratri et heredibus ſuis ſubſcriptis, omnes et ſingulas terras noſtras et Comitatum Moravie nec non Caſtrum noſtrum de Dornway, totas et integras terras noſtras et Dominium de Aber- Privy Seal, B. 31, f. 45.

Abernethy, totas et integras terras noſtras et Dominium de Stratherne, &c tenend. et habend. &c. dicto Jacobo, et heredibus ſuis maſculis de corpore ſuo legittime procreandis, de nobis et noſtris ſucceſſoribus Regibus et Reginis Scotie in feodo et hereditate feudi firma et libera forreſta imperpetuum, quibus heredibus maſculis deficien. nobis et ſucceſſoribus noſtris Regibus et Reginis Scotie reverſur. &c. Apud Edin. penultimo die menſis Januarii, Anno Domini 1561, et regni noſtri 20.

II.

CARTA JACOBO COMMENDATORIO STI. ANDREE.

Privy Seal Records. B. 31. fol. 2. MARIA, Dei Gratia Regina Scotorum, &c. Quia dedimus et conceſſimus hereditarie predilecto fratri noſtro naturali Jacobo Commendatario Prioratuum Monaſteriorum Sancti Andree et Pittenweem, et heredibus ſuis maſculis infra ſcript. Totas et Integras Terras noſtras et Comitatum de Marr, viz. Terras de Strathdee, Bramar, et Cromar, cum molendino, piſcationibus, ſilvis, forreſtis, partibus et pendiculis, ac pertinentiis earundem, jacen. infra Vicecomitatum noſtrum de Abirdene, inſuper nos pro nobis, et ſucceſſoribus noſtris, unimus, annectimus, creamus et incorporamus, Totas et Integras prenominatas Terras de Straithdee, Bramar, et Cromar, cum molendinis, piſcationibus, ſilvis, forreſtis, partibus, pendiculis et pertinentiis earundem, in unum integrum, et liberum Comitatum omni tempore a futuro Comitatum de Mar nuncupand. ac ſimiliter facimus et creamus dictum Jacobum fratrem noſtrum, et heredes ſuos maſculos, inferius ſcriptos in Comites omnibus temporibus a futuris tali modo Comites de Mar vocand. ac dando eis honorem, dignitatem, locum, et votum in Parliamento, cum omnibus aliis priviledgiis et facultatibus, ſimili modo ſicuti aliqui Comites de Mar de predeceſſoribus noſtris aliquibus temporibus retroactis habuerunt et gaviſi fuerunt, &c. Tenend. et habend. dicto Jacobo fratri noſtro, et heredibus ſuis maſculis de corpore ſuo legittime procreandis. Quibus deficien. nobis et ſucceſſoribus noſtris, ſucceſſoribus Regibus et Reginis Scotie iterum reverſur. &c. apud Edinburgh 7mo Februarii, Anno Domini 1561, et Regni noſtri 20.

III.

CARTA JACOBI MORAVIE COMITIS.

B.46.No.383. JACOBUS, &c. dediſſe, &c. predilecto noſtro conſanguineo et conſiliario Jacobo Moravie Comiti, Domino Abernethy et Down, &c. et heredibus maſculis de corpore ſuo legittime procreatis ſeu procreandis. Quibus deficien. Domino

Franciſco Stewart, ſuo fratri germano, et heredibus maſculis de corpore ſuo legittime procreandis. Quibus deficien. legittimis et propinquioribus heredibus et aſſignatis dicti Jacobi Murravie Comitis quibuſcunque hereditarie, Omnes et Singulas terras Comitatum, Dominia, Baronias, Caſtra, Turres, Fortalicia, Molendina, Silvas, Piſcarias, aliaque particulariter ſubſcripta, viz. Totas et Integras terras Dominium et Comitatum de Murray, &c. Quequidem omnes et ſingule Terre, Comitatus, Dominia, Baronia aliaque particulariter preſcripta, cum earundem partibus pendiculis et pertinen. quibuſcunque ſupra ſpecificat. perprius hereditarie pertinuerunt ad prefatum Jacobum Murravie Comitem, et per ipſum per legittimos ſuo procuratores ſuo nomine ad hunc affectum ſpecialiter conſtitutos, et patentes literas in manibus noſtris tanquam in manibus immediati indubitati legittimi ſuperioris omnium et ſingularum Terrarum aliarumque ſupra ſpecificat. cum earund. pertinen. pure et ſimpliciter per fuſtum et bacculum, ut moris eſt apud Curiam noſtram de Royſtoun reſignate fuerunt, &c. Apud Aulam noſtram de Royſtoun, 17mo die menſis Aprilis, Anno Domini 1611, Regnorumque noſtrorum annis 44to, et 9no rexive.

APPENDIX XXIV.

I.

CARTA JOANNIS COMITIS ATHOLIE.

B. 8. No. 51

JACOBUS, &c. Noveritis quod nos alias noſtra tenera in ætate, et ante noſtram ultimam generalem revocationem recipimus unum, purum ac ſimplicem reſignationem cariſſimi avunculi noſtri Johannis Comitis Atholie et Domine de Balvany, de omnibus et ſingulis terris ſuis Dominii de Balvany, cum pertinen. &c. Apud Edin. 7mo Novembris, 1477mo.

II.

B. 10. No. 7.

JACOBUS, &c. Dei Gratia Rex Scotorum, omnibus probis hominibus totius terræ ſuæ, Clericis et Laicis, Salutem. Sciatis nos in perfecta et legitima ætate conſtit.

ſtit. pro propinquitate ſanguinis et cordiali dilectione quam gerimus erga cariſſimum avunculum noſtrum Dominum Joannem Stewart, Dominum de Balvany militem, fratrem carnalem quond progenitoris noſtri ſereneſſimi Jacobi Secundi, Scotorum Regis illuſtriſſimi, cujus animæ propitietur Deus, dediſſe conceſſiſſe et hac præſenti carta noſtra confermaſſe dicto cariſſimo avunculo noſtro totum et integrum Comitatum Atholiæ et terras ejuſdem Comitatus cum pertinen. jacent. infra Vicecomitatum noſtrum de Perth, terris de Drumquhaill, et Drumcaſtle duntaxat exceptis. Tenend. et Habend. totum et integrum dictum comitatum et terris Atholiæ, &c. Apud Edinburgh decimo octavo die menſis Martii, Anno Domini 1481, et regni noſtri, 22.

APPENDIX XXV.

I.

CARTA CON. QUOND. PATRICII DOMINI GRAY.

Book 28. No. 136.

JACOBUS, &c. Sciatis nos poſt noſtras legittimam & perfectam etatem viginti quinque annorum completam pro certis ingentibus pecuniarum Summis et Compoſitione nobis et noſtro Theſaurario noſtro in nomine per Conſanguineum noſtrum Patricium nunc Dominum Gray perſolutis; quandam Cartam Tallie & Donationis fact. per nos, cum aviſamento auctoritate et conſenſu cariſſimi Conſanguinei & Tutoris noſtri Joannis Albaniæ Ducis Regni noſtri pro tempore Protectoris et Gubernatoris quond. Patricio Domino Gray ultime defuncto et heredibus ſuis maſculis de corpore ſuo legittime procreatis ſeu procreandis. Quibus deficient. Gilberto Gray de Buttergaſk ejus fratri, et hæredibus ſuis maſculis de corpore ſuo legittime procreatis ſeu procreandis. Quibus deficient. legittimis et propinquioribus heredibus maſculis dict. quondam Patricii Arma et Cognomen de Gray gerentibus quibuſcunque de omnibus et ſingulis Terris, Baroniis, & Officiis ſubſcript. viz. Terris et Baronia de Forgund, &c. Terris et Baronia de Foulis, &c. Terris Kingiſlane nuncupat. &c. Terris et Baronia de Dunde, &c. Terris de Balgillo, &c. Terris de Gotheraſtown, &c. Una cum Officio Vicecomitis de Forfar, &c. ac cum Officio Conſtabulairie de Forfar, &c. ac Officio Conſtabularie de Montroſe, &c. Quequid Terre et Baronia, &c. fuerunt dicti Patricii Domini Gray hereditarie. Et quas et que idem

idem per fuſtum et bacculum in manibus prefate Cariſſime Conſanguinei noſtri tanquam Tutoris et Gubernatoris noſtro nomine. Apud Edinburgh perſonaliter ſurſum reddidit pureque et ſimpliciter reſignavit, &c. 16to. Aprilis 1524to. & Regni noſtri 11mo. Quamquid Cartam, &c. Confirmamus, &c. Apud Falkland, 14to. die Menſis Sept. Anno Domini, 1542do. & Regni noſtri 29no.

II.

CARTA CON. JONETE GRAY.

JACOBUS, &c. Sciatis nos quandam Cartam donationis vitalis redditus fact. per Patricium Ogilvie de Inchmartyne, dilecte noſtre Jonete Gray, filie dilecte Conſanguinei noſtri Patricii Domini Gray, De totis et integris decem libratis Terrarum inferioris partis de Balgany, alias nuncupat. Terris Domini Heris, &c. Tenend. et habend, &c. prefate Jonete Gray in vitali redditu pro tote tempore vite ſue, & poſt ejus deceſſum mihi et heredibus meis plenarie reverten. &c. 6to. die Menſis Aprilis, Anno Domini 1541mo. Quamquid Cartam, &c. confirmamus, &c. Apud Strivilling, 13to. die Menſia Aprilis, Anno Domini 1541mo. & regni noſtri 28vo. Book 7. No. 218.

APPENDIX XXVI.

I.

HÆC Inquiſitio facta fuit in Curia Vicecomitatus de Edinburgh, tenta in prætorio Burgi ejuſdem, coram honorabilibus viris Domino Alexandro Drummond de Meedhop, milite, et Mro. Roberto Leirmouth, Advocato, Vicecomitibus deputatis dict. Vicecomitatus ſpecialiter conſtitut, Octavo die Menſis Decembris, Anno Domini Milleſimo ſexenteſimo nono, per hos nobiles et potentes Comites Dominos et Barones ſubſcriptos, viz. Davidem Craufurdiæ Comitem, Alexandrum Comitem de Hume, Alexandrum Moraviæ Comitem, Williel-mum Comitem de Mortoun, Robertum Lothaniæ Comitem, Jacobum Dominum Erſkine, Willielmum Magiſtrum de Tullibardin, Joannem Dominum Book 4. fol. 462.

Saltoun, Walterum Dominum Scott de Balcleugh, Robertum Dominum Creighton de Sanquhair, Davidem Dominum de Scoone, Dominum Patricium Hepburne de Wauchtoun, Militem, Dominum Davidem Carnegy de Kinard, militem, Dominum Jacobum, Scrymgiour de Dudhope Militem Seniorem, et Dominum Jacobum Scrymgiour de Dudop Juniorem Militem, Qui Jurati dicunt quod quondam Joannes Dominus Lindſay, frater Roberti nunc Domini Lindſay, Latoris preſentium obiit ad fidem et pacem S. D. N. Regis et quod dictus Robertus eſt legittimus et propinquior hæres maſculus ejuſd. quond. Joannis ſui fratris, et quod eſt legittime ætatis. In Cujus rei Teſtimonium Sigilla quorund. eorum qui dict. Inquiſitione intererant faciend. cum appenſione Brevis Regii incluſo, nec non Sigillo officii dict. Vicecomitatus una cum Signo & ſubſcriptione manualibus Joannis Young, ſcribæ, et Clerice Principalis dict. Curiæ præſentibus ſunt appenſa, Anno, die, menſe, et loco præſcriptis, &c.

Edin. 26 Jan. 1771. I, the within-mentioned John Irvine, hereby certify, That I have carefully ſearch'd the Record of Retours in his Majeſty's Chancery for the year 1609, and can find no ſpecial Retour in favours of Robert Lord Lindſay.

(Signed) JOHN IRVINE.

II.

HÆC Inquiſitio facta fuit in prætorio Burgi de Edinburgh, per Diſpenſationem virtute Commiſſionis ſubſcript. coram diſcretis viris Davide Bryſon, Alexro. Douglas, Jacobo Chalmer, et Mro. Willielmo Stewart, Clavigeris ordinariis coram Dominis Concilii Vicecomitibus in hac parte, vice. &c. &c. de Fyfe, per Commiſſionem S. D. N. Regis, ſub Teſtimonio Magni Sigilli, ad inſtantiam nobilis et potentis Domini Roberti Dni. Lindſay obten. pro deſervitione ſuorum Brevium ſpecialiter conſtitut. Decimo quinto die Menſis Febrii, Anno Domini Milleſimo ſexcenteſimo decimo, per hos probos et fideles viros patriæ ſubſcript. viz. *(here the Inqueſt are inſerted.)* Qui Jurati dicunt quod quondam nobilis et potens Dominus Joannes Dominus Lindſay, Frater germanus præfate Roberti, nunc Dni. Lindſay, obiit ultimo viſtit et ſaſit ut de feodo ad fidem et pacem dict. S. D. N. Regis moderni, in omnibus et ſingulis Terris aliiſque ſubſcript. viz. In totis et Integris Terris et Baronia de Pitcruvie, cum caſtro, turre, et fortalicio ejuſdem, Terris de Moutſchiel, in omnibus et ſingulis Terris de Merkinſellie, cum molendinis granorum et fullorum earundem, Terris de Pyetſtoun, in bina parte terrarum de Endowny, in bina parte terrarum de Caſundillie, ac in terris et Baronia de Pitleſſie, cum Molendinis ejuſdem, Terris de Hiltoun de Bunzeoun, Terris de Dunnyhagglis, cum ſingulis ſuis pertinen. jacen. infra Vic. &c. de Fyfe unit. et annexat. in unam Baroniam, Baroniam de Pittcruvie nuncupat. Et unica Saſina capiend. apud principale Meſſuagium

ſuagium de Pitcuvie &c. ac etiam in advocatione donatione et jure patronatus eccleſiæ parochialis de Syres, tam rectoriæ quam vicariæ ejuſd. nec non in totis et integris Terris de Orky, cum molendino, terris, molendinariis, multuris, et ſequelis ejuſd. in tota et integra quarta parte terrarum de Eaſter Lawthriſk, vocat. Langflat, et in omnibus et ſingulis terris, eccleſiaſticis, vicariis de Lawthriſk, vocat. Bantuſcale, cum manerei loco domibus edificiis, hortis, pomariis, toftis, croftis, partibus pendiculis annexis lie outſetts tenen. tenan. libere tenen. ſervitiis Omnium et ſingularum præfat. terrarum molendini, terrarum molendinarum, multurarum, et earundum pertinen. nec non in tota et integra illa mariſia, vulgo lie Myre nuncupat. Pitcutie myre, quæ eſt ſpecialis pars et pendiculum dict. terrarum de Orky, cum omnibus et ſingulis pendiculis, et earundem jacen. infra parochiam de Lawthriſk, et dict. vic. &c. de Fyfe, quæquidem Terrræ, Maneris, Molendina, aliaque ſupra ſcript. cum ſuis pertinen. ſunt unit. annexat. et incorporat. in unam integram et liberam Tenandriam, Tenandriam de Orky nuncupat. et unica Saſina capiend. nunc et omni tempore futuro apud januam meſſuagii de Orky ſufficiens eſſe Saſina, &c. et quod dict. Robertus, nunc Dominus Lindſay eſt legitimus et propinquior hæres maſculus præfato quondam Joanni Domini Lindſay, &c.

I hereby certify, that what is written on this and the preceding page, is copied verbatim from the Record of Retours in his Majeſty's Chancery, and comprehends the whole lands recited in the ſaid Retour, and have carefully ſearched the ſaid Record for the year 1610, I do not find the ſaid Robert Lord Lindſay retoured in the Dominium or Barony of Byres.

(Signed) JOHN IRVINE,
Keeper of the ſaid Record.

That the Retour wrote upon this and the preceding page, is copied from the Record of Retours in his Majeſty's Chancery at Edinburgh, is atteſted by me, the ſame being examined, collated, or compared at my ſight,

JOHN SETON, Not. Pub.

III.

GENERAL RETOUR OF ANNE LINDSAY.

HÆC Inquiſitio facta fuit in Curia capitali Vicecomitatus de Fyfe, tenta in prætorio Burgi de Cupro, coram Magiſtro Patricio Balfour de Pittillo, et Alexandro Jamieſon, Vicecomitibus deputat. dict. vicecomitatus decimo ſeptimo die menſis Aprilis, anno Domini Milleſimo ſexcenteſimo decimo, per hos probos et fideles Patriæ viros ſubſcript. viz, Henricum Dominum Sanctæ Columbæ, Robertum Book 4. f. 306.

bertum Dominum Moneymute, Dominum Davidem Carnegy de Kinnaird, Militem, Robertum Durrie de eodem Jacobem Weymis de Bogie, Mrm. Davidem Barclay de Cullerrne, Davidem Betown Feoditarium de Crieche, Andream Aytown de Dunure, Andream Wood Feoditarium de Largo, Robertam Forbes Feoditarium de Rives, Davidem Betown Feoditarium de Balfour, Robertum Colvile Feoditarium de Cleiſhe, Joannem Kennier Feoditarium de eodem Jacobum, M'Gill de Rankeilour Nether, et Davidem Balfour de Balledmouthe, qui Jurati dicunt Quod quond. Joannes Dominus Lindſay, pater Dominæ Annæ Lindſay Latricis Preſentium obiit ad fidem et pacem S. D. N. Regis et quod dict. Domina Anna præſentium Latrix eſt legittima et propinquior hæres ejuſd. quond. Joannis Domini Linſay ſui Patris, et quod eſt ligittimæ ætatis. In cujus rei Teſtimonium ſigilla quorund. earum qui dict. Inquiſitioni intererant præſentibus clauſis cum incluſione Brevis ſignito officii dict. Vicecomitatus, ac cum ſubſcriptione manuali Joannis Paterſone, Clerici ejuſdem, anno, die, menſe ſupra dict. ſunt appenſa.

APPENDIX XXVII.

I.

CARTA ROBERTI BOYD DE GLEN.

Book 30. No. 131.

MARIA, &c. dediſſe, &c. delectis noſtris Roberto Boyd de Glen, & Margarete Colquhoun, ejus ſponſe ac eorum alteri diutius viven. in conjuncta infeodatione & heredibus ſuis ſubſcript. Totam & integram orientalem dimidietatem omnium & ſingularum Terrarum de Weſter Ballinderane, cum ſuis pertinen. &c. Quequid Terrarum Demidietas & annui redditus cum pertinen. Matheo olim Comiti de Levinaxe, de ipſo tanquam Tenandria tunc perprius hereditarie pertinebant, et nunc nobis pertinent. & in manibus noſtris ratione. Eſchaete devenerint ob forisfacturam contra eum in Parliamento noſtro rite deduct. pro nonullis proditorie traditionis & Leſe Majeſtatis criminibus per eum commiſſ. veluti in decreto dicti noſtri Parliamenti deſuper deduct & lato plenius continetur Tenend. & habend. dictis Roberto & Margarete ejus ſponſe, ac eorum alteri diutius viven. in conjuncta infeodatione, & heredibus inter ipſos legitime procreat. ſeu procreand. Quibus deficien. legittimis & propinquioribus heredibus ſeu aſſignatis dicti Roberti quibuſcunq. &c. Apud Edin. 18vo die menſis Februarii, anno Regni noſtri 5to.

II.

II.

CARTA CON. MARIOTE COLQUHOUN.

MARIA, &c. Sciatis nos, &c. quandam cartam vitalis redditus fact. per consanguineum nostrum Robertum Magistrum de Boyd, & feodatarium quinque mercat. Terrarum antique extentus de Law, dilecte nostre Mariote Colquhoun, sponse nostri consanguinei Roberti Domini Boyd (ejus patris) de totis et integris prefatis quinque mercat. Terrarum de Law antiqui extentus cum suis pertinen. &c. 10mo Februarii, 1548vo quamquid Cartam ac vitalem redditum in ead. content. &c. confirmamus, &c. Apud Edin. 11mo die mensis Februarii, Anno Domini 1548vo, & Regni nostri 7mo. Book 30. No. 426.

APPENDIX XXVIII.

I.

GENERAL RETOUR OF MRS. MARY ROSS.

HÆC inquisitio facta fuit in novo domo sessionis burgi de Edinburgh, sexto die mensis Februarii, Anno Domini millesimo sexcentesimo quadragesimo nono coram Roberto Hamilton, &c. tribus ex quatuor clavigeris ordinariis coram Dominis concilii et sessionis tanquam vicecomitibus, &c. qui jurati dicunt magno sacramento interveniente quod quondam Willielmus Dominus Ross, frater germanus Magistræ Mariæ Ross, Dominæ Wauchtoun, sponsæ Joannis Hepburne de Wauchtoun Latricis præsentium obiit ad pacem et fidem dict. quond. S. D. N. Caroli, Dei Gratia Magnæ Britaniæ, Franciæ, et Hiberniæ Regis, fideique defensoris, et quod præfata magistra Maria Ross est una duarum sororum germanarum legittimarum & propinquiorum heredum portionariorum linie dict. quondam Willielmi Domini Ross, sui fratris germani, et quod est legitimæ ætatis. In cujus rei testimonium, &c. Book 19. f. 316.

APPENDIX XXIX.

I.

CARTA DAVID COMITIS DE CRAWFURD.

B. 7. No. 92. JACOBUS, &c. Sciatis nos dediſſe, &c. dilecto conſanguineo noſtro David Comiti de Crawfurd, & Domino Lindſay officium vicecomitis de Forfar, &c. tenend. & habend, &c. dicto David Comiti de Crawfurd, & heredibus ſuis, &c. Apud Striveling 19no die menſis Octobris, Anno Domini 1476to, & Regni noſtri 7mo.

II.

CARTA JOANNIS COMITIS CRAWFURDIE.

Book 14. No. 394. JACOBUS, &c. Sciatis nos dediſſe, &c. dilecto conſanguineo & conſiliario noſtro Joanni Comiti Crawfurdie, Omnes & ſingulas Terras & Barroniam de Uchteralloun, &c. tenend & habend. &c. dicto Joanni Comiti Crawfurdie conſanguineo noſtro, heredibus ſuis, & aſſignatis, &c. apud Edinburgh, penultimo die menſis Julii, Anno Domini 1507mo, & Regni noſtri 20mo.

III.

CARTA JOANNIS COMITIS CRAWFURDIE.

Book 15. No. 192. JACOBUS, &c. damus dicto Joanni Comiti Crawfurd, et heredibus ſuis, &c. Omnes et ſingulas predictas terras de Petfour, Potconok, & Drumgrane, &c. Apud Striveling, 24to die menſis Maii, Anno Domini 1510mo, & Regni noſtri 22da.

IV.

IV.

CARTA JOANNIS COMITIS CRAWFURDIE.

JACOBUS, &c. Sciatis nos dediſſe, &c. dilecto conſanguineo & conſiliario noſtro Joanni Comiti Crawfurdie, totas & integras Terras de Newhall, &c. tenend & habend. &c. dicto Joanni Comiti Crawfurdie, & heredibus ſuis, &c. Apud Edinburgh, 4to die Menſis Decembris, Anno Domini 1512mo, & Regni noſtri 25to. Book 18. No. 144.

V.

CARTA ALEXANDRI LINDSAY.

JACOBUS, Sciatis nos dediſſe, &c. dilecto conſanguineo noſtro Alexandro Lindſay Magiſtro Crawfurdie, filio et heredi apparenti dilecti conſanguinei et conciliarii noſtri David Comitis Crawfurdie, Omnes et ſingulas Terras, annuos reditus, tenementa, baronias, ſuperioritates, cuſtumas, advocationes, jura, patronatus et donationes eccleſiarum, cappellaniarum, et beneficiorum totius Comitatus Crawfurdie ſubſcript. viz. Terras et Baroniam de Finnevin, &c. quequid terre, &c. fuerunt dicti David Comitis Crawfurdie, perprius hereditarie; Et quas, et que idem non vi aut metu, ductus, &c. reſignavit &c. Tenend. et habend. &c. dicto Alexandro Lindſay, et heredibus ſuis, &c. Apud Edinburgh, 2do die menſis Septembris, Anno Domini 1527mo, et Regni noſtri 14to. Book 22. No. 10.

APPENDIX XXX.

I.

CONSTITUTION *of the Earldom of* LENNOX *in a Dukerie, 5 Auguſt* 1581, *copied from the Earl of* HADDINGTON's *Collections in the Advocates Library, at Edinburgh.*

Advocates Library, A 4. 20. fol. 460.

THE Kingis Majeſtie calling to remembrance how the Erledom of Lennox, Lordſchipe of Darnly, and Barrony of Torboltoun, being the heritage of the Erles of Lennox, of quhome his Majeſtie is diſcendit, ſucceidit unto his hienes be the death of umquhile his hienes deireſt fader, and his Majeſties guidſir, Matthew Erle of Lennox, Regent to his hienes his realme, and liegis for the tyme, and *after diſpoſitioune maid be his hienes of new, of the ſaids Erledome, Lordſchipe and Barrony, to his Majeſty's faderis brother Charles, lykwais Erle of Lennox, throw default of airs maill in his perſoune, and, be virtew of his Mageſties revocatioune, the ſame Erledome, Lordſchipe and Barronie returning agane to his hienes,* his deareſt and only great uncle Robert Erle of Marche, who was alſo infeft in the ſaids Erledome, Lordſchipe and Barronie, yielding his place; his Majeſtie haing ſtill ane earneſt deſyre of the ſtanding of the ſaid hous of Lennox, in the poſſeſſioun of his next *couſingis meall of the ſame* hous and blud; theirfore gave and diſponit heretablie to his deareſt couſing Eſlmie Erle of Lennox, Lord Darnley, Aubigny, and Dalkeith, greit chamerlane of this realme, *and his airs,* the ſaids Erledome of Lennox, Lordſchipe of Darnly, and Baronie of Torboltoun, with the honours, rights, and privileges pertaining thairto quha moveit, of great and ſingular affectioun towards his Majeſtie, came furth of the realme of France, his native countrie, to ſerve and attend upone his Majeſtie, and to bruik the title, and occupy the hous, and leving quhairof, he is deſcendit, and quhairunto it hes pleaſſit his Majeſtie to advance and promove him, having ſpairit na panes, perreil, nor charges, in that quhilk might further his Majeſties auctoritie and ſervice; and now his Majeſtie having zit ane deſyre to honour and advance the hous quhairof his Majeſtie, on the ane pairt of his ſaid deareſt father, is deſcendit fra the memorie of his noble and worthie progenitoris of that ſtok and familie,

milie, and for the guid and worthy deſerving of the ſaid preſent Earle of Lennox, his deareſt couſing, towards his Mageſtie, and for uthers reaſonable cauſes and conſiderationes moving his heines thereto; He, therefore, mad, creat, erectit, and incorporate the ſaid Earldome of Lennox, in an haile and frie Dukerie, to be callit the Dukerie of Lennox in time coming, and the ſaid Lordſhipe of Darnley in an haile and free Earledome of Darnley in time coming, and the ſaid Barrony of Torboltone in ane haile and free lordſhip to be callit the Lordſchipe of Torboltoun, in time coming, without prejudice of the unioune, annexatioune, and uthoris privileges grantit in the infeftment maid thereupone of befoir, and als hes maid, conſtitut, and nameit, and ordainit in tyme cuming, his ſaid dereſt couſing Eſlme Duik of Lennox, Erle of Darnely, Lord Aubigney, Torboltoun, and Dalkeith, with all honouris, dignities, prerogatives, rightis, priviledges, profeittis, commodities, and dewties belangand thereto, to be bruiket, joiſit, uſeit, occupit, and poſſeſſit be him ſicklyke, and als freely in all reſpects and conditions as ony utheris hes bruikit the tittle, right, and poſſeſſioun of quhatomever Dukrie, Earledome, Lordſchipe, or Barronie within this realme, in time bygane; and that letters be direct to make publication heirof, be open proclamatioune at the Mercate Croſe of Edinburgh, and utheris places neidfull; charging all and ſundrie Earles, Lordis, Barronis, and uthers, his heins ſubjects, to acknowledge and reverance his ſaid deareſt couſing, according to the ſtile, titile, place befoir ſpecified, ordaining him to be inveſtit thairin, with all ſolemnities requiſite.

II.

CARTA ESMI DUCIS DE LEVINAX.

JACOBUS, &c. Sciatis, dedimus, &c. prefato noſtro chariſſimo conſanguineo, et fideliſſimo conſiliario, Eſmo Duci de Levinax, Comiti Darnlie, Domino Tarboltoun, Dalkeith, et Aubigny, &c. et ſuis heredibus ſubſcriptis hereditarie, omnes et ſingulas terras, comitatum, dominia, baronias, officia, regalitates, et privilegia earundem ſubtus ſpecificat. viz. totas et integras terras, et commitatum et dominum de Levinax, cum caſtris, turribus, fortaliciis, &c. Quequidem Omnes et Singule terre comitatus, dominia, baronie, ville et burgi in baronia, regalitates, caſtra, turres, fortalicia, maneries, ſilve, parce, molendina, piſcationes, lie outſetts, partes, pendiculi, columbarii, cunicularii, tenentes tenandrei, libere tenentium, ſervitia, advocationes, donationes, et jura patronatuum, prepoſiturarum, prebendariorum, Book 35. No. 508.

 eccleſiarum

ecclesiarum, et capellaniarum, ac omnium aliarum particulariter supra script. cum omnibus suis pertinen. prius hereditarie pertinuerunt dicto nostro chariſſimo consanguineo Esme Duci de Lavinax, Comiti Darnlie, Domino Tarbatoun, Dalkeith, et Aubigny, &c. Et per ipsum personaliter pure et simplicer, per fustim et baculum in manibus nostris resignate fuerint, &c. Tenend. et habend. &c. prefato nostro chariſſimo consauguineo et consiliario, Esmo Duci de Levinax, Comiti Darnlie, Domino Torboltoun, Dalkeith et Aubigny, &c. et heredibus suis masculis, &c. de corpore suo legitime procreatis seu procreandis. Quibus defician. nobis et successoribus nostris reversur. &c. Apud Halierudhouse, 13tio die mensis Decembris, Anno Domini 1581mo, et Anno Regni nostri 15to.

APPENDIX XXXI.

I.

Book 6. No. 120.

JACOBUS, Dei Gratia Rex Scotorum, universis et singulis legiis et subditis nostris ad quorum noticias presentes litere pervenerint salutem. Cum enim Georgius Comes de Rothes, Dominus Leslie alias summonitus fuit per literas nostras sub cera alba personaliter et responden. nobis pro proditoria fictione cujusd. litere quittancie sub signeto quond. progenitoris nostri super summa ducentarum mercarum, ut in litera summonitionis predicte ad plenum continetur, &c. 15 Octobris, 1464.

APPENDIX XXXII.

IN Dei nomine Amen. Per hoc præſens publicum inſtrumentum cunctis pateat evidenter quod anno incarnationis Dominicæ 1514to, menſis vero Octobris die tertia, indictione ſecunda pontificatus ſanctiſſimi in Chriſto patris et Domini noſtri Domini Leonis, divina providentia Papæ decimi, anno ſecundo in mei notarii publici et teſtium ſubſcriptorum, præſentia, perſonaliter conſtitutus in curia Vicecomitis de Inverneſs, die datæ preſentis publici inſtrumenti, in prætorio de Inverneſs, per providum virum Andream Auchleck, burgen. de Inverneſs et Vicecomitem deputatum pro deſervitione unius brevis inquiſitionis capellæ regiæ impetrat. per ELIZABETH SUTHERLAND, SOROREM QUOND. JOHANNIS COMITIS DE SUTHERLAND, de et ſuper terris et comitatu de Sutherland, comparuit venerabilis vir Magiſter Joannes Calder, precentor Roſſen. actornatus et eo nomine dictæ Elizabeth, cujus mandato lecto et admiſſo hujuſmodi breve legittime, ut apperuit proclamatum executum et indorſatum produxit et executionem ejuſdem probari fecit; et hoc in præſentia cujuſd. Magiſtri Roberti Munro, fratris et procuratoris Alexandri Sutherland, ad quantum dictum breve excipien. prætenden. et intereſſe habere allegan. et quia prefatus Magiſter Robertus procurator pro dicto Alexandro admiſſus nihil tunc quantum dictum breve proclamationem et executionem ejuſdem aut quantum membra curiæ oppoſuit, aut in ſpecie allegavit dictus Vicecomes deputatus ad electionem aſſiſæ pro deſervitione dicti brevis proceſſit. et eandem aſſiſam jurari fecit tactis ſacris Dei evangeliis: et quia dictus procurator prefati Alexandri, per quandam cedulam in ſcriptis porrect. allegabat; quod non patebat tutus acceſſus dicto Alexandro ad burgum de Inverneſs, ad defenden quantum dictum breve propter SEVITIAM ALEXANDRI COMITIS DE HUNTLIE, et amicorum ſuorum dictæ Elizabeth faven. idem *Dominus Comes* et Adam Gordon de Aboyne ejus frater ſponſuſque dictæ Elizabeth pro ſe et ſuis compluribus obtulerunt dare cautionem dicto Alexandro legittimam et ſub magnis pœnis ad eund. et redeund. ad burgum de Inverneſs, pro ſua legitima defenſione utenda. Poſt hæc quia prefat. procurator per hujuſmodi cedulam in ſcriptis porrectam allegavit terras et comitatum Sutherlandiæ per cartam Domini Regis talliatas ſeu talliatum eſſe, unde per aſſiſam electam et juratam et vicecomes deputat. ad hujuſmodi cartam talliæ producen. poſtulat. fuit; qui procurator poſt hujuſmodi cautionem oblatam nullam tunc talliæ cartam produxit et ſic aſſiſa ad retornationem dicti brevis proceſſit. De et ſuper quibus omnibus et ſingulis, &c.

FINIS.

The Grenville Library